

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW YORK CITY AREA—Part 5

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-THIRD CONGRESS FIRST SESSION

JULY 6, 1953

Printed for the use of the Committee on Un-American Activities



COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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(NOTE.—Index to this volume will be printed at end of "Investigation of Communist Activities in the New York City Area—Part 8.")

PUBLIC LAW 601, 70TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 70th Congress [1946], chapter 753, 2d session, which provides:

*As it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

• • • • •
17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

• • • • •
(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpoenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83d CONGRESS

House Resolution 5, January 8, 1953

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

(q) Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW YORK CITY AREA—PART 5

MONDAY, JULY 6, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
New York, N. Y.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10:45 a. m., in room 1305 of the United States Courthouse, Foley Square, New York, N. Y., Hon. Kit Clardy (acting chairman) presiding.

Committee members present: Representatives Kit Clardy, Gordon H. Scherer, and Francis E. Walter.

Staff members present: Robert L. Kunzig, counsel; Louis J. Russell, chief investigator; W. Jackson Jones, investigator; and Mrs. Juliette Joray, acting clerk.

Mr. CLARDY. The committee will be in order.

Last night our chairman, the Honorable Harold H. Velde of Illinois, was taken ill, which accounts for the fact that I am presiding today.

The first witness will be heard in executive session this morning. Later other witnesses possibly may, before the day is over, be heard in open session, am I not correct, Mr. Counsel?

Mr. KUNZIG. That is correct, Mr. Chairman.

Mr. CLARDY. The hearing room will, therefore, necessarily have to be cleared at this time, but the press and others who are interested in this proceeding will be advised when we open the doors at the proper time.

Mr. Counsel, will you take care of the necessary arrangements?

Mr. KUNZIG. Yes, sir. May I state for the record, sir, that upon the request of other departments of Government the first hearing will be, as you said, in executive session in the interests of national security.

Mr. CLARDY. That is my understanding.

Mr. KUNZIG. Then we are ready to proceed if the room will be cleared, sir.

Mr. CLARDY. All right; you may call your first witness as soon as the hearing room is cleared.

(Thereupon the subcommittee went into executive session. After the executive session, the subcommittee again went into public session, the proceedings of which follow.)

PUBLIC HEARING

AFTERNOON SESSION

(At the hour of 2:15 p. m., of the same day, the proceedings were resumed, Representatives Kit Clardy, Gordon H. Scherer, Francis E. Walter, and Morgan M. Moulder being present.)

Mr. CLARDY. For the purpose of the record, let it be shown that the chairman has appointed a subcommittee consisting of Mr. Clardy, Mr. Scherer, Mr. Walter, and Mr. Moulder, for the purpose of this hearing.

Will you call your witness, counsel?

Mr. KUNZIG. Call in Mr. William Michelson and his lawyer.

Mr. SHEINBERG. In behalf of my client, he objects to any photograph, and he also objects to giving his testimony before this battery of cameras and these lights.

Mr. CLARDY. Be seated, counsel.

Mr. SHEINBERG. May I make that as a formal request?

Mr. CLARDY. The witness has been sworn.¹

All right, are you ready, Mr. Counsel?

Mr. KUNZIG. Yes, sir?

Mr. CLARDY. All right.

Mr. KUNZIG. Mr. Michelson, would you please—

Mr. CLARDY. Pardon me, counsel. I think the members of the press have been given the statement that the chairman intended to present at the opening of this hearing this afternoon, but which his illness has prevented, and at this point I shall ask that it be placed in the record. I shall refrain from reading it, because I think it is unnecessary.

(The statement by Harold H. Velde, chairman, House Committee on Un-American Activities, is as follows:)

At this point this afternoon in the work of the House Committee on Un-American Activities, we turn our attention to subversion in the field of labor.

The many distinguished labor leaders in this country have spoken as with one voice in damning communism in union activities. This committee, acting under Public Law 801 of the 79th Congress, joins with these leaders in denouncing subversive actions wherever such may exist in the American unions.

I wish again to emphasize, as I have so often in the past, that this committee will investigate communism wherever it may be found, whether among individuals in Government, in the schools, business, clergy, or labor. No one shall be immune, that he may carry on Communist or subversive activities against the American people.

I promise that we shall use every legal weapon at our command to expose such un-American activities wherever they may exist. The House of Representatives has imposed a serious and vital duty upon this committee. We shall earnestly attempt to fulfill this duty, so that we may obtain facts upon which to base recommendations for appropriate legislation.

A number of witnesses in various phases of our investigations who live in this city asked to testify in New York at this time to aid the committee in its work. It was therefore found more convenient and far more economical to hold our current hearings here, rather than require witnesses and their attorneys to travel to Washington.

Mr. CLARDY. Will you proceed.

¹ The witness, William Michelson, was sworn in executive session, preceding his public appearance, on the same day.

**TESTIMONY OF WILLIAM MICHELSON, ACCOMPANIED BY HIS
COUNSEL, ARTHUR SHEINBERG**

Mr. KUNZIG. Mr. Michelson, I noted you are accompanied by counsel. Would counsel please state his name and office address for the record?

Mr. SHEINBERG. Arthur Sheinberg, 1501 Broadway.

Mr. CLARDY. Let the record show at this time the witness was previously sworn in executive session a few moments ago.

Mr. KUNZIG. Mr. Michelson, would you state your name and address, please?

Mr. MICHELSON. William Michelson, 110-56 Sixty-third Drive, Forest Hills.

Mr. KUNZIG. When and where were you born, Mr. Michelson?

Mr. MICHELSON. March 9, 1914, in Chelsea, Mass.

Mr. KUNZIG. Would you give the committee a résumé of your educational background?

Mr. MICHELSON. I completed high school and attended City College at night for a few sessions.

Mr. KUNZIG. What year did you finish high school?

Mr. MICHELSON. 1931.

Mr. KUNZIG. Now, would you give the committee a résumé of your occupational backgrounds, sir?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I began working in 1932 and 1933 at various jobs. I was employed by a department store in New York in 1934, and from then until 1937 continued to be employed in a department store, and in 1937 I went to work for the union.

Mr. KUNZIG. What union was that?

Mr. MICHELSON. That was Local 2 of the Retail and Wholesale Department Store Workers Union.

Mr. KUNZIG. Have you worked for the union ever since?

Mr. MICHELSON. That union, yes, or its successors.

Mr. KUNZIG. Are you now employed by the union?

Mr. MICHELSON. Yes.

Mr. KUNZIG. What is your present position in the union?

Mr. MICHELSON. I am organizational director of District 65, CIO.

Mr. KUNZIG. Is that here in New York?

Mr. MICHELSON. That is correct.

Mr. KUNZIG. Mr. Michelson, have you ever been a member of the Communist Party?

Mr. MICHELSON. I decline to answer under the privilege granted me by the fifth amendment.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. MICHELSON. The same answer, sir.

Mr. WALTER. What comprises district 65, Mr. Michelson?

Mr. MICHELSON. District 65, sir, consists of approximately 30,000 workers in New York City.

Mr. WALTER. All in New York City?

Mr. MICHELSON. All in New York City.

Mr. KUNZIG. I have here a copy of the Daily Worker of Monday, October 28, 1940, headlined "Labor, Civic Leaders Demand Commu-

nists Get Rightful Place on Ballot in New York State," and one of those people listed in the newspaper here as demanding it, that the Communists get a rightful place on the ballot in this State, is William Michelson of Local 8 of United Retail and Wholesale Workers Union. (At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. KUNZIG. Are you that Michelson? The question is, are you that William Michelson?

Mr. MICHELSON. I decline to answer on the grounds that the answer might incriminate me. I am invoking the privilege under the fifth amendment, sir.

Mr. KUNZIG. If you wish, we can just say "same grounds," and we will understand what you mean.

Mr. MICHELSON. That will facilitate it.

Mr. KUNZIG. Did you demand that the Communists get a rightful place on the ballot in New York?

Mr. MICHELSON. Same answer.

Mr. WALTER. What is that date of that paper?

Mr. KUNZIG. That was in 1940, sir; October 28, 1940.

Did you appear before Congressman Kersten and a Labor Committee of the House of Representatives investigating communism in unions?

Mr. MICHELSON. Same answer, sir.

Mr. KUNZIG. You are not going to answer the question even as to whether you appeared there?

Mr. MICHELSON. Same answer.

Mr. CLARDY. Witness, I think that is a matter of public record, so the Chair directs that you answer that question.

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Sir, in view of the nature of that investigation and the report issued by that committee, I must respectfully decline to answer on the same grounds.

Mr. KUNZIG. Did you not appear before the committee, and did you not refuse to answer at that time in 1948 questions as to any possible Communist activity on your behalf?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. KUNZIG. On your part?

Mr. MICHELSON. Sir, the record would speak for itself.

Mr. CLARDY. I direct the witness to answer that question.

Mr. MICHELSON. Sir, I must decline to answer then on the same grounds in view of the scope of that investigation, some of its findings, and the record of that investigation.

Mr. KUNZIG. I have here in front of me—

Mr. CLARDY. Let me interrupt. All you are asking him in those questions is as to whether or not as a matter of fact he did appear at those hearings and testify.

Mr. KUNZIG. That was my first question, sir, and then the next question was whether he appeared and took the fifth amendment and refused to testify.

Mr. CLARDY. I wanted to be sure the record discloses that. Proceed.

Mr. KUNZIG. In other words, he has taken the fifth amendment on the fifth amendment, sir.

Mr. CLARDY. That is right. I have instructed him to answer, and he has refused.

Mr. KUNZIG. I have in my hands a photostatic copy of the Daily Worker of Monday, June 6, 1949, in which there is headlined a story in which there are rallies and so forth involving the jailing of the three Communist leaders in the Medina trial. Among those protesting, it lists a William Michelson, president of local 2, New York Stores Employees Union (Gimbel's), in parentheses. Are you that William Michelson?

Mr. MICHELSON. I must decline to answer on the same ground.

Mr. KUNZIG. You do not have to decline. There is no requirement that you decline. Do you decline?

Mr. MICHELSON. I decline to answer on the same grounds, sir.

Pardon me a moment.

(At this point Mr. Michaelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Mr. Chairman, in connection with the previous question—

Mr. CLARDY. Which question was that?

Mr. MICHELSON. The question in regard to my appearance before the Kersten committee—

Mr. CLARDY. Yes.

Mr. MICHELSON. I would like to indicate to you, sir, that the fact that I invoke the privilege in connection with that—I did not mean to be noncooperative with this committee. I did appear before that committee. My invoking of the fifth amendment related to the substance of some of the questions and the scope of that examination and the findings.

Mr. CLARDY. That may have been your intention, but actually the answer and the reason I directed you to answer the question was that the answer did actually not say just what you think you are now saying, and I am glad you have chosen to correct it. Your attorney has apparently given you some very good advice on that.

Mr. KUNZIG. I have in front of me a photostatic copy of a clipping from the Daily Worker of July 28, 1949, page 2, headlined, "Notables Wire Clark."

In a telegram to Attorney General Clark nine prominent Americans termed the treatment of noncitizens by the Justice Department as "reminiscent of Nazi methods of treatment of minorities," it was announced yesterday by the American Committee for Protection of Foreign Born.

Signers of the telegrams were—

and among others it lists William Michelson, president, local 2, department store workers.

Did you sign such a telegram under the auspices of the American Committee for Protection of the Foreign Born?

Mr. MICHELSON. Same answer, sir.

Mr. KUNZIG. May I state for the record that the American Committee—

Mr. CLARDY. Wait, did I understand your question was merely as to whether or not he signed the telegram, which is a matter of record now?

Mr. KUNZIG. Yes, sir; that was my question.

Mr. CLARDY. Then I direct the witness to answer the question.

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Sir, I must respectfully decline.

Mr. KUNZIG. May I state for the record that the American Committee for the Protection of the Foreign Born was cited as subversive and Communist by Attorney General Tom Clark in June 1948, and September 1948. It was listed as, "One of the oldest auxiliaries of the Communist Party in the United States," by the Special Committee on Un-American Activities in 1944 and in 1942; also by the California Committee on Un-American Activities in 1947 and in 1948.

Mr. WALTER. May I see that telegram, please?

Mr. CLARDY. Counsel, I do not think there is any doubt about the fact that that has been subversive.

Mr. MOULDER. Rarely do people sign a telegram. I want to ask the question, did you authorize the sending of such a telegram?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Sir, I must also respectfully invoke the privilege, the same answer.

Mr. MOULDER. I am sure that is what counsel intended to ask in the first place, whether or not you authorized the telegram or authority that your name be used on the telegram.

Mr. CLARDY. Are you aware of the fact that such a telegram was sent, irrespective of whether you signed it?

Mr. MICHELSON. Sir, the same answer.

Mr. CLARDY. The Chair must—

Mr. MICHELSON. Pardon me a moment.

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Sir, I must stand on my answer.

Mr. CLARDY. I must direct you to answer it for reasons that I think should be obvious to you now.

Mr. MICHELSON. Sir, I must respectfully decline to answer.

Mr. KUNZIG. I have a copy of the Daily Worker of New York, February 18, 1942, which headlines a story, "Browder Meetings Begin With Rally Today." This discusses meetings, a series of "Free Browder" meetings, throughout the city with the sponsorship of the New York City division of the Committee to Free Earl Browder. The list of citywide rallies follows, and it lists Manhattan, and on Wednesday, February 18, it lists William Michelson.

Did you participate in a rally, Mr. Michelson, to free Earl Browder at that time in the State as listed in the Daily Worker?

Mr. MICHELSON. The same answer.

Mr. CLARDY. Again what was that date, counsel?

Mr. KUNZIG. Wednesday, February 18, 1942.

Did you work on any Committee to Free Earl Browder?

Mr. MICHELSON. The same answer, sir.

Mr. KUNZIG. The New York Trade Union Committee to Free Earl Browder, may I state for the record, was cited by this committee as among the projects and campaigns of the Communist Party. Browder was general secretary of the Communist Party of the United States of America.

Mr. CLARDY. Witness, you knew there was such a movement, did you not?

Mr. MICHELSON. I decline to answer that question, sir, on the same grounds.

Mr. KUNZIG. There are other records here, Mr. Chairman; which with your permission I will pass over, all involving various meetings to free Earl Browder, and all and each and every one listing the name

of William Michelson as a speaker or panel participant in one form or another.

Did you participate in the Schappes Defense Committee?

Mr. CLARDY. Say that again, counsel?

Mr. KUNZIG. Did you participate in the Schappes Defense Committee?

Mr. MICHELSON. Same answer, sir.

Mr. KUNZIG. I have here in front of me a folder called "In the case of Morris U. Schappes, anti-Fascist trade union leader, college teacher, sentenced to State prison 1½ to 2 years for his political opinions."

"Free Morris Schappes—fighter against fascism."

Sponsors of the committee—among them are names including Michelson, William Michelson, manager, local 2, United Retail and Wholesale Employees Union, CIO.

Are you the William Michelson listed in this pamphlet?

Mr. MICHELSON. The same answer, sir.

Mr. KUNZIG. The Schappes Defense Committee is cited as Communist by Attorney General Tom Clark in a letter to Loyalty Review Board, April 27, 1949. It was listed by the Special Committee on Un-American Activities in 1944 as—

A front organization with a strictly Communist objective, namely, the defense of a self-admitted Communist who was convicted of perjury in the courts of New York.

Morris U. Schappes was on the teaching staff of the College of the City of New York for a period of 13 years. In 1930 his superior on the college faculty refused to recommend him for reappointment. This action led to prolonged agitation by the Communist Party.

It was also cited by the California Committee on Un-American Activities.

I also have another document from the Daily Worker of February 4, 1942, as to the same point, but I will not belabor and waste the time of the committee.

Mr. CLARDY. Those citations, counsel, by the way, are taken from an official publication of this committee?

Mr. KUNZIG. Yes; the citations are taken from the Guide to Subversive Organizations and Publications, revised as of May 14, 1951, prepared and released by this committee in Washington, D. C.

Mr. WALTER. When those revisions are made, do you make a further inquiry into the present objectives?

Mr. KUNZIG. Yes, sir. As a matter of fact, there is a very exhaustive inquiry going on into all this at the present time with the thought in mind of a new edition of this publication.

Mr. WALTER. I notice that most of that is ancient history, and I am just wondering whether you made it current.

Mr. KUNZIG. Yes, sir; there is a lot of material in that publication which is very current. It just happens at the moment we are dealing with past history involving this witness.

Mr. CLARDY. As I understand it, our staff is engaged in the work of revision at the moment.

Mr. KUNZIG. That is correct, sir.

I have in front of me a copy of the Worker, Sunday, June 6, 1948, "Vets to Set Up Permanent Lobby Against Mundt Bill." William Michelson is listed as one of those involved in the permanent veterans'

lobby in Washington to halt the passage of the Mundt bill. Are you the William Michelson listed in this article?

Mr. MICHELSON. Same answer, sir.

Mr. MOULDER. May I say, this saying "same answer" I disagree with. I disagree with the procedure of the witness as to the same answer. Of course, it is never responsive to the question. He refuses to answer, and I think he should state his grounds.

Mr. WALTER. That is right.

Mr. MICHELSON. Sir, the counsel told me, instructed me to answer in that fashion.

Mr. KUNZIG. I thought it might save time.

Mr. MOULDER. I know he did. I said I disagree.

Mr. KUNZIG. I thought we understood when he says "same answer" he means to say, "I am declining to answer on the grounds of the fifth amendment because I feel"—et cetera.

Mr. MOULDER. Are you a veteran?

Mr. MICHELSON. Yes, sir.

Mr. MOULDER. Did you serve in the Armed Forces?

Mr. MICHELSON. Yes, sir.

Mr. MOULDER. How long?

Mr. MICHELSON. About four and a half years.

Mr. MOULDER. What branch of the service?

Mr. MICHELSON. Infantry.

Mr. MOULDER. In the Army?

Mr. MICHELSON. Right, sir.

Mr. MOULDER. Overseas?

Mr. MICHELSON. No, sir; in the States.

Mr. MOULDER. Where were you stationed?

Mr. MICHELSON. I was stationed in various parts, mostly in the Southwest. I was somewhere halfway through my Army career when I was injured and placed on limited service and as a result was not eligible to go overseas for the last 2 or 3 years of service.

Mr. KUNZIG. I have here a document on which is printed, "1,000 Trade Union Officials Urge You To Protest the 12 Smith Act Indictments." Then there is a letter to President Truman, and one of those signatures at the end, printed, of course, but listed here among other names, is William Michelson, secretary, Joint Board of the Retail & Wholesale Department Store Clerks. Are you the William Michelson that is listed there in this letter to President Truman protesting the 12 Smith Act indictments?

Mr. MICHELSON. I decline to answer, sir, on the grounds previously stated.

Mr. CLARDY. Will you date that, counsel, or can you? It mentioned 12. That is the—

Mr. KUNZIG. There were 12 at first before one was dropped.

Mr. CLARDY. And then 11?

Mr. KUNZIG. There is no date on this, sir, but it was obviously at the time that the action was started, 1948 and 1949, probably 1949, against the leaders of the Communist Party and what became known as the Medina trial.

Mr. CLARDY. Which has also been popularly labeled as the trial of the 11 Communists.

Mr. KUNZIG. That is right; one was dropped because of ill health, and it became 11. It originally was 12.

Mr. CLARDY. I just wanted it identified.

Mr. KUNZIG. This petition was put out by the Civil Rights Congress. Have you at any time been identified with the Civil Rights Congress?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. KUNZIG. The Civil Rights Congress, as I guess we all know, has been cited as subversive and Communist by Attorney General Tom Clark in 1947 and 1948 and is cited—

As an organization formed in April 1946 as a merger of two other Communist-front organizations (International Labor Defense and the National Federation for Constitutional Liberties); "dedicated not to the broader issues of civil liberties but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

It was also cited by the congressional Committee on Un-American Activities, 1947 report.

Mr. CLARDY. How many more of those do you have?

Mr. KUNZIG. Just a few, sir.

Mr. CLARDY. All right.

Mr. KUNZIG. "Unionists Start Nationwide Drive Against the North Atlantic War Pact," is the headline in the New York Daily Worker, April 14, 1949. It lists a group of so-called, alleged prominent union leaders opposing the Atlantic Pact and urging negotiations for an American-Soviet pact of peace and friendship, and listed among the signers typed here in this article in the Daily Worker is William Michelson.

Are you the William Michelson listed there?

Mr. MICHELSON. I must decline to answer on the same grounds, sir.

Mr. KUNZIG. Did you authorize your name to be used to such a petition for the American-Soviet pact of peace and friendship?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. KUNZIG. Under the auspices of the Civil Rights Congress, which I have just mentioned a few minutes ago and for which I listed the citations, I have here under the date of October 11, 1947, a call to a conference for the abolition of the Un-American Activities Committee, at Manhattan Center, Saturday, October 11, 1947, and there, under a panel and program conference, under labor, a panel participant is listed as William Michelson, along with Russell A. Nixon and several others. Are you the William Michelson who appeared in this panel conference seeking the abolition of the Un-American Activities Committee?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. SCHERER. Do you favor the elimination of the Un-American Activities Committee as of this moment?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I would decline to answer, sir, on the same grounds.

Mr. CLARDY. You can't possibly incriminate yourself, witness, and I am deadly serious about this, in telling us your viewpoint on that.

Mr. MICHELSON. Excuse me.

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. Sir, I must maintain the same answer that I gave previously.

Mr. KUNZIG. I wish at this point to read into the record here 2 or 3 sentences from an investigation of communism in New York City

Distributive Trades hearings before the Special Committee of the Committee on Education and Labor, House of Representatives, 80th Congress, 2d session.

During the time of the hearings, which were held on June 30, July 1 and 2, and so on, there was the testimony by one Mr. Kirkpatrick who testified:

Local 2 is at Gimbel's and Saks 84th Street department stores. The president of the local is William Michelson. The other person who has been the second in command for a good many years of the local is Anna Blauk. William Michelson, I have previously testified, is a member of the Communist Party and has met in secret conferences and caucuses of the various officers of the Communist Party, various officers of these locals in the distributive trades field who are also members of the Communist Party. At times they have sat in within these meetings with top officials of the Communist Party, such as William Z. Foster, Earl Browder, Jack Stachel, and others.

Mr. WALTER. Whose testimony?

Mr. KUNZIG. This is testimony of a Mr. Kirkpatrick, and I have that.

Mr. SCHERER. You were going to ask him whether that testimony is true or not; is that right?

Mr. KUNZIG. Yes.

Is that testimony correct, and were you a member of the Communist Party?

Mr. MICHELSON. I must decline to answer on the same ground, sir.

Mr. KUNZIG. I have, Mr. Chairman, no further questions to ask of this witness.

I want to make sure that I have asked one question, and that is: Are you now a member of the Communist Party?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. CLARDY. You mean you do decline?

Mr. MICHELSON. I do decline to answer on the same grounds.

Mr. CLARDY. Mr. Scherer, do you have any questions?

Mr. SCHERER. Have you ever contributed any funds to the Communist Party?

Mr. MICHELSON. I must also decline to answer on the same grounds.

Mr. KUNZIG. I have one more question, sir. There has been discussion at various times—and I don't have the exact citation here—even in the Daily Worker, Mr. Michelson, to the effect that whatever may have been, if any, of the leftist or Communist background of you and various others, that you now were turning away from that, and that you were leading the union away from any such activities, and it has been said to me very recently by people here in New York that you profess to be leading the union away from such activities, and that you are no longer in any way connected with that, and, therefore, I ask you the question again I just asked: Are you now a member of the Communist Party, and here is a chance to show where you are leading the union, whether it is away from such activities?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. KUNZIG. I think that is perfectly clear, Mr. Chairman.

Mr. CLARDY. Indeed it is.

Mr. SCHERER. Have you used any union funds for contributions to Communist causes or Communist-front activities?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I must decline to answer, sir, on the same grounds.

Mr. SCHERER. Do you know of any funds of your union that were used for Communist activities or Communist-front activities?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I answer that the same way, sir. I decline to answer.

Mr. SCHERER. That is all, Mr. Chairman.

Mr. CLARDY. Mr. Walter?

Mr. WALTER. I have no questions.

Mr. CLARDY. Mr. Moulder?

Mr. MOULDER. I want to ask this: What position do you hold in the union now?

Mr. MICHELSON. I am the organizational director of the union, sir.

Mr. MOULDER. How are you selected or elected to that position by your union members?

Mr. MICHELSON. By secret ballot.

Mr. MOULDER. How is the meeting called, or are all members notified of the meeting when they elect officers?

Mr. MICHELSON. Yes, sir.

Mr. MOULDER. When were you last elected?

Mr. MICHELSON. In June of this past year, sir.

Mr. MOULDER. How many members are there in your local union?

Mr. MICHELSON. In the district? As I stated before, about 30,000, sir, and about—I think my figures are accurate—18,000 members of the union voted.

Mr. MOULDER. Can you give an estimate as to what percentage of that membership attended that meeting when you were selected or elected as the organizational manager?

Mr. MICHELSON. Well, the voting did not take place at the meetings. The voting took place at a balloting that was held at union headquarters, and I believe the figure was somewhere between 15,000 and 18,000 members voting in that election.

Mr. CLARDY. Are you through?

Mr. MOULDER. Yes.

Mr. SCHERER. Mr. Witness, you have refused to tell this committee whether or not you were a member of the Communist Party or ever had been a member of the Communist Party. Have you advised the members of your union as to whether you are a member of the party or not?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I must exercise the privilege on that question, too, sir.

Mr. SCHERER. Did you ever sign any place an affidavit stating that you were not a member of the Communist Party?

Mr. MICHELSON. I must decline to answer on the same grounds, sir.

Mr. MOULDER. Were you ever asked that question by members of the union or anyone connected with the organization?

Mr. MICHELSON. I must respectfully decline to answer on the same grounds.

Mr. KUNZIG. Did you sign the non-Communist oath required by the Taft-Hartley Act?

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. MICHELSON. I must decline to answer on the same grounds, sir.

Mr. CLARDY. Are you acquainted with anybody who, to your knowledge, is a member of the Communist Party?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. CLARDY. Have you ever attended any meetings of the Communist Party?

Mr. MICHELSON. I must decline to answer on the same grounds.

Mr. CLARDY. Do you know whether or not there are any Communists in the union to which you belong?

Mr. MICHELSON. I must decline to answer on the same grounds, sir.

Mr. CLARDY. What were the other committees before which you have appeared?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. The Kersten committee, sir.

Mr. CLARDY. That is the only one?

Mr. MICHELSON. Yes, sir.

Mr. CLARDY. That is a House committee?

Mr. MICHELSON. It was a House committee, sir.

Mr. CLARDY. When was that hearing, approximately?

Mr. MICHELSON. I would say about 4 or 5 years ago.

Mr. WALTER. Through the 80th Congress?

Mr. MICHELSON. I think it was, sir. I think it was 1947 or 1948.

Mr. CLARDY. At that hearing were you asked the questions that have been propounded here today in substance dealing with your possible Communist connections or activities?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I don't recollect all of the questions that were asked me in committee.

Mr. CLARDY. I said in substance.

Mr. MICHELSON. I think in substance generally the same questions.

Mr. CLARDY. Did you decline there, as you have here today?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. To the best of my recollection, I did, sir.

Mr. CLARDY. During the interval of those several years between your prior appearance and your appearance here today have you actively engaged in promoting any of the aims and objectives of the Communist Party in any way whatsoever?

Mr. MICHELSON. I must decline to answer, sir, on the same grounds.

Mr. CLARDY. Are you at present on the Communist Party payroll in any sense, either directly or indirectly?

Mr. MICHELSON. I must decline to answer, sir.

Mr. CLARDY. Do you have any further questions, gentlemen?

Mr. KUNZIG. No, sir. I want to make the record clear that when you say, "I must decline to answer," you mean each time you do decline to answer?

Mr. MICHELSON. That is correct.

Mr. CLARDY. I think that is understood. I corrected him a time or two, and counsel understood as we went along by nodding his head that that was the case.

Mr. SCHERER. Mr. Witness, the Kersten committee before which you testified some years ago, that was a subcommittee of the Committee on Education and Labor of the House of Representatives; ¹ is that right?

¹ This committee, commonly called the Kersten committee, was a subcommittee of the United States House of Representatives' Committee on Education and Labor, of which Hon. Charles J. Kersten, of Wisconsin, was subcommittee chairman, and functioned during the 80th Cong.

Mr. MICHELSON. I think you might be right. I am not sure.

Mr. SCHERER. Did you ever sign any petitions that that committee be abolished?

(At this point Mr. Michelson conferred with Mr. Sheinberg.)

Mr. MICHELSON. I have no such recollection, sir.

Mr. CLARDY. You mean, so far as you now recall, you have not signed such a petition; is that what you mean?

Mr. MICHELSON. That is right, sir.

Mr. CLARDY. Do you have any further question?

Mr. KUNZIG. Nothing, sir, and I suggest this witness be no longer maintained under subpoena and be allowed to leave the building at once.

Mr. CLARDY. You are excused.

Call your next witness.

Mr. KUNZIG. Mr. Andren.

Mr. CLARDY. Off the record.

(Discussion off the record.)

Mr. CLARDY. Proceed, counsel.

Mr. KUNZIG. Will you please state your name and spell it very clearly?

TESTIMONY OF CARL ANDREN¹ ACCOMPANIED BY HIS COUNSEL, ARTHUR SHEINBERG

Mr. ANDREN. Carl, C-a-r-l, Andren, A-n-d-r-e-n.

(Representative Morgan M. Moulder returned to the hearing room at this point.)

Mr. KUNZIG. I note that you are represented by the same counsel who is already on record.

Mr. CLARDY. That will be shown.

Mr. KUNZIG. What is your address, Mr. Andren?

Mr. ANDREN. 523 East 14th Street, New York City, N. Y.

Mr. KUNZIG. When and where were you born?

Mr. ANDREN. April 29, 1906, in St. Paul, Minn.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. KUNZIG. Would you give the committee a résumé of your educational background, please, sir.

Mr. ANDREN. I am a high-school graduate.

Mr. KUNZIG. Where and when?

Mr. ANDREN. In St. Paul, Minn., approximately 1925.

Mr. KUNZIG. Would you give the committee a résumé of your occupational background?

Mr. ANDREN. I was a men's-wear salesman and a manager of several stores in the Midwest until I came to Chicago in 1931; came to New York in approximately 1935. Then I became a traveling salesman for a little more than a year, and then was employed by Bloomingdale's Department Store in New York as a men's-clothing salesman in 1937. I was employed there until approximately—with a break of a couple of years while I was in the service, I was employed there until 1947 when I was elected as a representative of the Bloomingdale Employees' Union. I have been associated with the union since that time.

Mr. KUNZIG. What is your present position with the union?

¹ The witness, Carl Andren, was sworn in executive session on the same date.

Mr. ANDREN. I am a vice president of district 65, assigned to department stores in New York.

Mr. KUNZIG. Is that the same union as to which there has been testimony prior to this afternoon?

Mr. ANDREN. Yes; it is.

Mr. KUNZIG. Did you ever at any time in or about 1933 live in Rockford, Ill.?

Mr. ANDREN. I—

Mr. KUNZIG. I guess not.

Mr. ANDREN. I traced my history step by step; I went from St. Paul to Chicago; from Chicago to New York.

Mr. KUNZIG. So you were not in Rockford, Ill.

Mr. ANDREN. No.

Mr. CLARDY. I was a little puzzled, too. You said something about the Middle West, and coming from there I wondered—

Mr. ANDREN. St. Paul and Chicago are Middle West.

Mr. CLARDY. That is right. I thought you meant to imply, as I think counsel understood, that there may have been some other places that you didn't mention.

Mr. ANDREN. No.

Mr. KUNZIG. Now, have you ever been at any time a member of the Communist Party?

Mr. ANDREN. I must exercise my privilege under the fifth amendment and decline to answer.

Mr. KUNZIG. Are you now a member of the Communist Party?

Mr. ANDREN. I must exercise my privilege under the fifth amendment and decline to answer.

Mr. CLARDY. Witness, you say you must. You mean you do?

Mr. ANDREN. I do; I do; sorry.

Mr. KUNZIG. I have in my hands a copy of the Daily Worker, Friday, April 2, 1948. The headline says "Unionists Back Rights Parley." Parley is held to develop a united-action program on civil rights, sponsored by the Civil Rights Congress and the American Committee for Protection of Foreign Born. Among those who have endorsed the conference it lists Carl Andren, business agent, Bloomingdale's, Local 3, Department Store Employees' Union. Are you the Carl Andren therein listed?

Mr. ANDREN. I decline under the privilege that I have under the fifth amendment.

Mr. KUNZIG. Are you a member of the Civil Rights Congress?
(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. I decline to answer under my privilege.

Mr. KUNZIG. Have you endorsed projects sponsored by the Civil Rights Congress?

Mr. ANDREN. I decline to answer.

Mr. KUNZIG. I have already stated for the record this afternoon on today's record the citations of the Civil Rights Congress and the American Committee for Protection of Foreign Born.

Mr. CLARDY. You needn't repeat them at this time.

Mr. KUNZIG. Did you appear before the Kersten committee about which there has already been interrogation this afternoon?

Mr. ANDREN. Yes; I did.

Mr. KUNZIG. At that time were you asked whether you were a member of the Communist Party, and did you refuse to answer?

Mr. ANDREN. I was asked the same questions in substance that I am being asked here today, which were also part of a threat at that time which exists over my head at this time.

Mr. KUNZIG. So, you refused to answer the questions then, and you refuse to answer the questions now?

Mr. ANDREN. Within the framework of the context in which they are being placed, putting myself in jeopardy to go to jail, which I have been threatened with.

Mr. CLARDY. You are not imputing any such threat to this committee.

Mr. ANDREN. I am not to this committee; no, sir.

Mr. CLARDY. Very well.

Mr. KUNZIG. I have here in front of me a clipping from the Washington Star of September 7, 1948, page A-6. The headline is:

"Store Union Ousts 3 Over Non-Communist Oaths." An international union president said yesterday he has suspended three officers of a CIO department store local for refusing to sign non-Communist affidavits. Mr. Wolchok said he ordered the officers' suspension and recommended further action by the parent union. They are Lester Pearson, Samuel Lewis, and Carl W. Andren, business agent.

Are you the Mr. Andren listed in this article?

Mr. MOULDER. Or is he the Mr. Andren referred to by this statement, wouldn't that be better?

Mr. KUNZIG. Are you the Mr. Andren referred to by this statement? (At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. I will have to exercise my privilege under the fifth amendment and decline to answer.

Mr. CLARDY. Again may I suggest, you mean you are exercising—

Mr. ANDREN. Yes.

Mr. KUNZIG. Were you suspended from a union because of refusing to sign the non-Communist affidavit required by the Taft-Hartley Act?

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. I am sorry; I must exercise the same privilege.

Mr. KUNZIG. There is no requirement that you do so.

Mr. ANDREN. Well, except that I open the door for lots of questions that I don't know what you are going to ask subsequently, even though many things may be inaccurate.

Mr. CLARDY. Well, witness, each question must stand alone, and you either answer or not answer—

Mr. ANDREN. Except the committee counsel won't let them stand alone.

Mr. CLARDY. May I instruct you that each question stands alone, and you have no right to assume anything with respect to what will follow. Now, as I understand it, you are declining to answer that question.

Mr. ANDREN. Yes; I am.

Mr. KUNZIG. May I state, sir, for the record, that if there should be—and I doubt that there are any—should there be any inaccuracies, the clearest way to get rid of inaccuracies is to answer a question honestly and truthfully and state what the facts are.

Mr. CLARDY. That is the purpose, in part, of this hearing.

Mr. KUNZIG. Did you eventually sign the non-Communist affidavit oath as required by the Taft-Hartley Act? May I state that whether

or not he signed is, of course, something that can be checked as a matter of record.

Mr. CLARDY. That is right.

Mr. ANDREN. I think you are aware of who the officers of our union are—there are hundreds of them who have signed, but because of the nature of the question—

Mr. KUNZIG. That wasn't the question.

Mr. ANDREN (continuing). I must decline to answer under the fifth amendment.

Mr. KUNZIG. I have here in my hand a photostatic copy of an affidavit of non-Communist union officer, and reading from it, it states:

The undersigned being duly sworn deposes and says: (1) I am a responsible officer of the union named below; (2) I am not a member of the Communist Party or affiliated with such party; (3) I do not believe in, and I am not a member of, nor do I support, any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. KUNZIG. "District 65, CIO, Distributive, Processing, and Office Workers of America, CIO." Signature, Carl Andren; residence, 18 Astor Place, New York City; dated June 17, 1958.

Mr. CLARDY. What date?

Mr. KUNZIG. 1958.

Mr. CLARDY. June what?

Mr. KUNZIG. June 17, 1958.

Mr. SCHERER. Who is the notary?

Mr. KUNZIG. "Sworn before"—and it looks like G-r-o-s-s-e-r or e-r, Grosser it is—commissioner of deeds, city of New York, New York County clerk's No. 164. "My commission expired October 8, 1954."

Mr. CLARDY. Will you exhibit that to the witness?

Mr. KUNZIG. I hand this to you and ask if that is your signature, and if you signed that non-Communist oath, of which photostatic copy is in your hands.

Mr. ANDREN. This is a matter of record for you, and I must decline to answer under the same grounds which I have declined previously.

Mr. KUNZIG. But, Mr. Andren, it is not a matter of record—

Mr. CLARDY. Pardon me, counsel. Witness, because of the fact that this is, as you correctly state, a matter of public record, the Chair now directs that you answer that question. You may consult with your attorney if you wish before you reply.

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. That is my signature.

Mr. KUNZIG. It is your signature.

Mr. SCHERER. Were you telling the truth when you signed that affidavit?

Mr. ANDREN. There you are. That is the kind of a question that I am frightened of in front of this committee because something—some crackpot will come along and make a claim against me and open me for charges of perjury.

Mr. SCHERER. I am merely asking whether or not you told the truth when you were under oath.

Mr. ANDREN. I never tell an untruth.

Mr. SCHERER. Now the question is then, were you telling the truth when you signed that affidavit.

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. I don't want to be difficult with this committee, but at the same time, because of the threats that have been made against me in the recent past, I can't afford to open the door for my going to jail.

Mr. CLARDY. Now, witness, you have indicated that this committee has made no threats, and of course we know that is the fact, that there have been no threats of any kind whatsoever. In fact, I didn't even know about you any more than you know about me, but you have admitted the signature on the document in question.

Mr. ANDREN. Yes, I did.

Mr. CLARDY. I must tell you now that it is the Chair's order that you do answer the question just propounded to you and to point out to you that unless you do answer, you do place yourself in jeopardy. If you have further need for consultation with counsel, you may do so. I am sure that your attorney, able lawyer that he is, representing you will be able to tell you what I have in mind.

Mr. ANDREN. I think in view of my previous statement regarding the affidavit that I must exercise—I do exercise my right under the fifth amendment.

Mr. SCHERER. Do you mean to tell me, Mr. Witness, do you mean to tell this committee, that you admit that you signed an affidavit here saying that you were not a Communist as late as June 17, and that now you refuse to tell this committee whether or not you told the truth in that affidavit?

Mr. MOULDER. Of course, the affidavit speaks for itself. Do you want to offer it in evidence and have it marked as an exhibit?

Mr. CLARDY. Yes.

Mr. SCHERER. I want an answer to the question.

Mr. ANDREN. That affidavit can speak for itself as well as do any others I may have signed.

Mr. SCHERER. My question is still unanswered, Mr. Chairman, and I ask that you instruct the witness to answer my question.

Mr. CLARDY. I have so instructed him, Mr. Scherer. I again instruct you.

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. CLARDY. Witness, before you answer, may I point this out to you: If you have, as you admit you have, signed an affidavit averring that as of June 17 this year that you were not then a Communist, we have here now afforded you an opportunity to say to the world that you were not a Communist at that time, and no harm can possibly befall you, unless—unless at the time you signed that affidavit you were telling something that was not true.

The truth cannot hurt you here today if you confess it or tell us that it is the truth.

Now, you consulted with your counsel, and you have an opportunity here to do that which many Communists claim they do not have the privilege of doing; that is, telling the world what the truth may be.

Now, I direct you again to answer that question.

(Representative Francis E. Walter returned to the hearing room at this point.)

Mr. ANDREN. Representative Clardy, I think that you are aware of the fact that I am frightened by this committee and what may flow

from it, and when I answered the question in a direct manner, telling you frankly that this was my signature and that I don't tell untruths, and then to have a question come back at me—was that a truthful statement—it makes me feel that a trap is being set for me because of my association with a strike in New York at this moment, and I frankly don't want to offend this committee, and I think you are well aware of that.

I think the counsel is familiar with my record in the past number of years, and I think he knows what affidavits I have signed. He certainly knows all about our membership and its attitude on the questions he is raising.

Mr. SCHERER. Mr. Witness, my question is still before you. If you want to decline to answer my question, you have the right to decline to answer it. But you have not answered it one way or the other.

Mr. ANDREN. I am answering it in the same way I did before, that I never tell any untruths.

Mr. MOULDER. May I help? First this should be marked as an exhibit and placed in the record and then reference can be made by interrogation.

Mr. CLARDY. Yes.

Mr. KUNZIO. I would like to do it.

Mr. MOULDER. I want to call the witness' attention to the fact that isn't his signature. That is a photostatic copy of his signature, isn't that so?

Mr. KUNZIO. It was stated in the beginning, Mr. Chairman, this was a photostatic copy of this whole document.

Mr. CLARDY. That is right. Has it been marked?

Mr. KUNZIO. Would you mark it, please, as Andren exhibit 1 for identification.

(The photostatic copy of the document referred to, affidavit of non-Communist union officer, was marked "Andren Exhibit No. 1" for identification.)

Mr. KUNZIO. I have in my hand a document marked "Andren Exhibit 1" for identification which purports to be a photostatic copy of affidavit of non-Communist union officer, United States of America, National Labor Relations Board. The witness has admitted this is a photostatic copy of his signature, and I now offer this document in evidence as Andren Exhibit No. 1.

Mr. CLARDY. It may be received.

(The photostatic copy of the document previously marked "Andren Exhibit No. 1" for identification was received in evidence as "Andren Exhibit No. 1.")

Mr. MOULDER. Does the witness admit that he did sign the original of which this is a photostatic copy?

Mr. ANDREN. I said this is my signature.

Mr. SCHERER. I still say there has not been an answer to my question. He has a perfect right to claim the fifth amendment to my question, but he hasn't answered my question.

Mr. CLARDY. You are right.

Mr. SCHERER. If he refuses or declines to answer on the ground that it might incriminate him, he has a perfect right to do so, Mr. Chairman, and I won't press it further.

Mr. ANDREN. Congressman, I do exercise my right on your question, I regret to say, under the privileges I have under the fifth amendment.

Mr. SCHERRER. I have no further question.

Mr. KUNZIO. You have stated that you were frightened to answer in front of this committee. In order that the record may be clear, you were apparently also frightened to answer in front of the Education and Labor Committee in 1948; is that correct?

Mr. ANDREN. For the reasons or the circumstances under which I appeared in 1948 where we had a problem with the department store managements in New York. A committee arrived on the scene, and relating my experiences back to 1948, nothing flowed from them except a lot of bad publicity to demoralize our members.

We are in the midst of an 8-week strike at Hearn's, and I was threatened that a committee would be brought in, and here it is, so I am not at ease here when I have been told that I was going to be thrown in jail if a strike took place.

Mr. KUNZIO. Could it be that the reason you are not at ease is that you have been a member of the Communist Party?

Mr. ANDREN. I don't become uneasy——

Mr. KUNZIO. Answer the question, please.

Mr. ANDREN. There is another attempt to draw communism in here, and I must exercise my right under the fifth amendment.

Mr. KUNZIO. We are not hiding behind any attempt to bring communism in. Communism—let's face it—is in here, and we are discussing communism, in case you didn't know it, this afternoon, and that is why you are here.

Mr. CLARDY. That is why you are here, sir.

Mr. ANDREN. I know.

Mr. CLARDY. May I interrupt a moment, counsel?

Witness, just so that we may have a common ground of understanding that this record may be perfectly clear, you are not now attempting to say to the world, are you, that the members of this committee have you in physical fear at this juncture? You are not saying that, are you?

Mr. ANDREN. Well, look——

Mr. CLARDY. Just answer my question fairly. That isn't what you attempt to say, is it?

Mr. WALTER. Let him answer it.

Mr. ANDREN. I don't know any of you gentlemen. I want to respect you. I certainly respect the office for which you have been elected, but my experience causes me to wonder sometimes. Instead of Mr. Greenfield threatening me that a committee is coming into town, I wish this committee with its vast powers of public opinion would end the 8-week-old strike of those employees who aren't asking for a wage increase and want the right to go back to work without even a contract.

Mr. CLARDY. Witness, that is somewhat beyond the jurisdiction of this committee.

Mr. ANDREN. I don't know.

Mr. CLARDY. To get back to what I was leading up to, you don't want to publicly leave the impression here that this committee is at this moment in any way intimidating you, do you?

Mr. ANDREN. No; I don't think you are intimidating me, but I don't want this committee to ruin my reputation in New York, either.

Mr. CLARDY. Witness, do you not understand that the questions that have been propounded to you are directed toward giving you an

opportunity to clear your name! You have signed an affidavit there, and I confess I am surprised that you will not frankly say, "Yes, I was telling the truth when I signed it." If you do that, you will help yourself immeasurably in this community, and the committee cannot and would not or even think of visiting anything upon you; but, since you decline, there is nothing more that can be done.

Proceed, Mr. Counsel.

Mr. ANDREN. Mr. Congressman, may I just add this: That the position I took originally, if the committee were interested in me personally and not relating these questions to others all over the city of New York, then it would be a different story; but I know that most of these questions are loaded, and they related to pointing the finger at members and other individuals, and it is not me who forces me into this position. I think it is the way these committees are conducting themselves and in the process—

Mr. CLARKE. Proceed, Mr. Counsel.

Mr. KUNZIG. We are asking, Mr. Andren, a very, very simple question as to whether you have ever been a member of the Communist Party, and a simple, easy answer would be to open your lips and say "No."

I have here in my hand a copy of the Daily Worker of Monday, September 27, 1948. The headline says:

City Hall Gets Demand It Act on Thompson Assault.

The story says:

Barred from a meeting with Mayor O'Dwyer at City Hall, a delegation of 47 civic, trade-union, political, and religious leaders Friday lodged through the mayor's police aid a demand for a thorough investigation, apprehension, and bringing to justice of the assailants of Robert Thompson, New York State Communist Party chairman—

and among those listed here as being members of this delegation is Carl Andren.

Were you a member of such delegation?

Mr. ANDREN. Never heard of it, and that is why I have to exercise my rights under the fifth amendment.

Mr. CLARKE. Now, there is a frank answer, Witness, the type we have been trying to get from you. If that is the fact that you were misidentified in that, you can clear these things by saying so. As I understand it, it is your answer that this listing is incorrect?

Mr. ANDREN. I have never seen it. I don't know what it is.

Mr. KUNZIG. I will hand it over, marked "Andren Exhibit No. 2" for identification.

I ask you to look at this article and the story and see if you recognize your name as the Carl Andren listed there.

Mr. MOULDER. In other words, your question is whether or not he is the person referred to in the article?

Mr. KUNZIG. That was my first question, yes, original question.

Mr. ANDREN. The name looks like Carl Andrews to me. I don't know what it is.

Mr. KUNZIG. I ask you again the question: Were you a member of this delegation which protested the beating of the New York State Communist Party chairman, Robert Thompson?

Mr. ANDREN. I must exercise my rights under the fifth amendment.

Mr. KUNZIG. I want to ask you a question that I asked earlier this afternoon, Mr. Andren. There has been discussion that you and others

are attempting to lead this union away from communism. Even the Daily Worker has accused the union of that; and if the union is being led away from communism, and if communism is no longer at issue, then I ask you once more and finally the question, Are you now a member of the Communist Party?

Mr. ANDREN. Our members have taken a position on the question of communism—

Mr. KUNZIG. That is not the answer to the question. The question is, Are you now a member of the Communist Party?

Mr. ANDREN. The officers that don't follow the members don't last as officers.

Mr. KUNZIG. Are you now a member of the Communist Party, and I will ask that the witness be directed to answer that question, Mr. Chairman.

Mr. ANDREN. I will answer that question as I previously have answered it: I exercise my right under the fifth amendment to not answer.

Mr. SCHERER. Do the members of your union know whether you are a member of the Communist Party or not?

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. I don't understand just what the Congressman means.

Mr. SCHERER. You just finished telling us that your members are satisfied with you people, and I want to know—

Mr. ANDREN. I said they have taken a position on the question of communism; and there wouldn't be any officers in our union that would be officers if they didn't live up to the decisions of our members.

Now, you try to ask me a loaded question as to what do I know about what the members think. I presume they have taken these positions, and they can expect their leadership to comply with their decisions.

Mr. SCHERER. All right. Now, you said that I want to know what your members think, and I will ask you this question: Have you ever told the members of your union whether or not you are a member of the Communist Party?

Mr. ANDREN. I will answer this in this way: The members of our union don't think that I am a Communist.

Mr. KUNZIG. Are they correct in that assumption?

Mr. ANDREN. There you are asking me another question which I have to use the privileges under the fifth amendment not to answer.

Mr. CLARDY. Witness, you don't have to, as I have explained before. You are taking the fifth amendment, however?

Mr. ANDREN. Yes, because I don't know where I am being led.

Mr. KUNZIG. We don't know where you have been. I have no further questions.

Mr. CLARDY. Any further questions?

Witness, you signed an affidavit this year saying that you were, as of that moment, not a member of the Communist Party. Has your status changed since that date?

Mr. ANDREN. Committee counsel could have looked back further and found other affidavits, too.

Mr. CLARDY. Well, that may be so, but just answer my question as to the period since June 17 this year down to and including right now.

Mr. ANDREN. If that was not a truthful statement, the Justice Department will certainly exercise its role.

Mr. CLARDY. Witness, you are not answering my question. My question is: Has your status in any way changed as to Communist affiliations since the June 17 date of that affidavit?

(At this point Mr. Andren conferred with Mr. Sheinberg.)

Mr. ANDREN. You are asking the question, as I understood, has my status changed since June 17. The answer is "No".

Mr. CLARDY. So that if you were telling the truth at that time, you are not a Communist at the moment, and if you were not telling the truth at that time, you are still a Communist, that is the impression you want to leave?

Mr. ANDREN. No; I don't want to leave that impression.

Mr. CLARDY. Well, you are sure leaving it.

Do you have any further questions?

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. CLARDY. Any reason this witness should not be excused?

Mr. KUNZIG. No reason.

Mr. CLARDY. The witness is excused.

Call your next witness.

Mr. KUNZIG. Mr. David Livingston.

Mr. CLARDY. Are you ready, Mr. Counsel?

Mr. KUNZIG. I am.

Would you state your name for the record, please?

TESTIMONY OF DAVID LIVINGSTON,¹ ACCOMPANIED BY HIS COUNSEL, ARTHUR SHEINBERG

Mr. LIVINGSTON. My name is David Livingston, L-i-v-i-n-g-s-t-o-n.

Mr. KUNZIG. Let the record show that I note that the same counsel is here that has been present for the afternoon.

Mr. CLARDY. It will so show.

Mr. KUNZIG. Would you state your present address, please, Mr. Livingston.

Mr. LIVINGSTON. Mr. Chairman, would you let my answer in the executive session show for the record here since its publication in the press has in the past caused my family considerable embarrassment? Since you already have my address——

Mr. KUNZIG. My question was, what is this man's address.

Mr. CLARDY. That is what I understood.

Mr. WALTER. That is a reasonable request to be made. We have it.

Mr. CLARDY. We have the address, and it is, of course, easily found, I assume, in the telephone book, anyway.

Mr. LIVINGSTON. It is, sir, and besides, I gave it to you a little while ago.

Mr. KUNZIG. When and where were you born?

Mr. LIVINGSTON. I was born January 8, 1915, in Brooklyn, N. Y.

Mr. Chairman, before you proceed with the questions, may I make my request to you at this time that these hearings be adjourned until the Hearn's strike is closed——

Mr. KUNZIG. Just a moment, Mr. Chairman. This is already in the record also, and I suggest that this not be repeated because I am sure the witness wouldn't want this said out loud, either.

Mr. CLARDY. Well, you proceed with your questions until the witness has answered a question; we will receive no explanations.

¹ Witness, David Livingston, was sworn in executive session on the same day.

Mr. LIVINGSTON. I was making a request to you, sir.

Mr. CLARDY. Never mind, witness.

Mr. KUNZIG. Would you give the committee a record of your background, your educational background, please?

Mr. LIVINGSTON. I went through normal grade and high-school education in New York City and attended college for 3 years.

Mr. KUNZIG. When did you graduate from high school and when from college?

Mr. LIVINGSTON. I did not graduate from college.

Mr. KUNZIG. Let us start first, when did you graduate from high school?

Mr. LIVINGSTON. You are really testing my memory. I will have to think back now, just a moment.

Mr. CLARDY. You aren't so very old. I can remember when I did.

Mr. LIVINGSTON. The exact year, sir?

Mr. CLARDY. Yes, sir.

Mr. LIVINGSTON. I will have to think back. Let me see—1927, I think, from grade school, public school 128; and 1931 from New Utrecht High School, U-t-r-e-c-h-t.

Mr. KUNZIG. Would you give the committee a résumé of your occupational background, your employment, please?

Mr. LIVINGSTON. I held various jobs while I was at school, and after I left school I worked as a salesman for a while and as a warehouseman for a while. Then I was elected to office in the union of wholesale and warehouse employees. I remained in that occupation for a number of years and was interrupted only by service in the Armed Forces.

Mr. KUNZIG. What is your present position, Mr. Livingston?

Mr. LIVINGSTON. I am secretary-treasurer of the Distributive, Processing and Office Workers of America, CIO.

Mr. KUNZIG. That is here in New York?

Mr. LIVINGSTON. That is in a number of places throughout the country. It is a national union.

Mr. CLARDY. You hold a national office then?

Mr. LIVINGSTON. In DPOWA I hold a national office. I also hold a local office here in New York.

Mr. KUNZIG. Now, I have here in front of me a document entitled, "Photostatic Copy of Pages From the Young Communist League 1938 Yearbook" in which, under a headline, "Branch Stalwarts" is a picture under which is the name David Livingston; New York State Young Communist League, 1938 yearbook. I pass this to you and ask whether you are the David Livingston whose picture appears on those pages.

Mr. LIVINGSTON. I would decline to answer that question on the grounds that the question is in violation of my rights under the fifth amendment of the constitution.

Mr. KUNZIG. Do you decline? You said, "I would decline." Do you decline to answer?

Mr. LIVINGSTON. I certainly do decline to answer that question.

Mr. CLARDY. Do you want that marked as an exhibit?

Mr. KUNZIG. There are a whole group. We haven't been following the—

Mr. CLARDY. I didn't know if you wanted that one specifically.

Mr. WALTER. When did your union go back to the CIO?

Mr. LIVINGSTON. The exact date I don't recall. It was somewhere between the 10th and 15th of May of this year.

Mr. WALTER. Was that before or after the convention at Atlantic City?

Mr. LIVINGSTON. It was—by the "convention at Atlantic City" do you mean the conference in Atlantic City which arranged for our affiliation with CIO?

Mr. WALTER. Is that what it was? I thought it was a national convention.

Mr. LIVINGSTON. Yes. In the early part of May of this year we held a meeting of our executive board of DPOWA; simultaneously the executive board of the Retail, Wholesale and Department Store Union, CIO, met and an agreement was reached by which the two unions would merge, and pursuant to that agreement we were readmitted into CIO and are now proud members of CIO.

Mr. CLARDY. Proceed, Mr. Counsel.

Mr. KUNZIG. I shall ask you directly, have you ever been a member of the Young Communist League?

Mr. LIVINGSTON. I believe that question violates my rights under the fifth amendment, and I decline to answer.

Mr. KUNZIG. Have you ever been a member of the Communist Party, Mr. Livingston?

Mr. LIVINGSTON. I believe that that question violates my rights under the fifth amendment, and I decline to answer.

Mr. KUNZIG. You just stated that your union is a proud member of the CIO. Let me ask you the question, are you now—I am talking about at this time—a member of the Communist Party?

Mr. LIVINGSTON. Well, you have put two things together—I am sorry, I don't know your name or how to address you. Do I say "counsel"?

Mr. KUNZIG. That will be perfectly all right.

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. LIVINGSTON. You put two things together. We are proud members of the CIO, and I say unhesitatingly we are loyal to the principles, programs and practices of the CIO.

Mr. KUNZIG. Answer the second part.

Mr. LIVINGSTON. In which you ask me whether I personally am a member of the Communist Party. I decline to answer under the fifth amendment.

Mr. KUNZIG. I have here a photostatic copy of the Daily Worker, February 24, 1942. We will go up through the years and see your activity.

Youth Parley to Free Browder Speeds Drive.

"Students, labor, fraternity, and civic groups press unity in campaign"—

and it is a campaign to have Earl Browder freed from prison—

Jack McMichael, National Chairman of the American Youth Congress, told a youth conference on Earl Browder at this date.

Other speakers at this conference included David Livingston, vice president of local 65, United Wholesale and Warehouse Workers, CIO.

Are you the David Livingston therein listed in this issue of the Daily Worker?

¹ Refers to Citizens' Committee To Free Earl Browder.

Mr. LIVINGSTON. I believe that that question infringes upon my rights under the fifth amendment, and I decline to answer.

Mr. KUNZIG. Did you attend a parley, a conference, to free Earl Browder in February of 1942?

Mr. LIVINGSTON. I believe that that question violates my rights under the fifth amendment, and I decline to answer.

Mr. KUNZIG. The American Youth Congress, for the record, Mr. Chairman, has been cited as subversive and Communist by Attorney General Tom Clark in letters to the Loyalty Review Board of 1947 and of 1948.

"It originated in 1934 and has been controlled by Communists and manipulated by them to influence the thought of American youth," said Attorney General Francis Biddle in the Congressional Record of September 24, 1942.

"One of the principal fronts of the Communist Party" and "prominently identified with the White House picket line under the immediate auspices of the American Peace Mobilization;" "Special Committee on Un-American Activities, 1942; also cited in 1939, 1941, and 1944.

The California Committee and the Massachusetts Committee also cited this group. It was cited in 1943 by the special subcommittee of the House Committee on Appropriations, and cited as a Communist front by the Pennsylvania Commonwealth Counsel in January 1942.

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. KUNZIG. I have here a photostatic copy of the proceedings of the New York Model Legislature of Youth, January 28 to 30, 1938, sponsored by the American Youth Congress, and listed as among the members of the presiding committee is Dave Livingston, United Wholesale Employees of New York. Are you the Dave Livingston therein listed?

Mr. LIVINGSTON. I believe that that question infringes on my rights under the fifth amendment to the Constitution, and I decline to answer it.

Mr. KUNZIG. I have another article from Review, published weekly by the New Age Publishers for the Young Communist League which also talks about speeding the youth drive to free Browder and also lists one Dave Livingston. I won't ask that same question again.

I have here a letterhead of the American Youth for Democracy, 13 Astor Place, room 607, New York 3. The letter is dated—this particular letter—November 11, 1943. On the letterhead as acting president of American Youth for Democracy is David Livingston. Are you the David Livingston therein listed?

Mr. LIVINGSTON. I still believe that that question violates my rights under the fifth amendment, and I decline to answer.

Mr. KUNZIG. For the record, Mr. Chairman, the American Youth for Democracy has been cited as subversive and Communist by Attorney General Tom Clark in 1947 and 1948 and was cited as the new name under which the Young Communist League operated and which also largely absorbed the American Youth Congress in the Special Committee on Un-American Activities report, in 1944.

It was cited by this committee—

as a front formed in 1943 to succeed the Young Communist League and for the purpose of exploiting to the advantage of a foreign power the idealism, inexperience, and craving to join which is characteristic of American college youth.

Its high-sounding slogans cover a determined effort to disaffect our youth and to turn them against religion, the American home, against the college authorities, and against the American Government itself.

That is a 1947 citation. It was also cited by the California committee.

Here is a further article from the Daily Worker, October 18, 1948, concerning American Youth for Democracy formed at an organizing convention initiated by the Young Communist League, and this is a story in the Daily Worker, and it lists David Livingston. It says that a vote of thanks was extended to David Livingston for his work as chairman pro tem during the afternoon session.

Are you the David Livingston who was chairman pro tem at that time?

Mr. LIVINGSTON. I believe that that question is an infringement upon my rights under the fifth amendment, and I decline to answer it.

Mr. KUNZIG. Were you a member of the American Youth for Democracy?

Mr. LIVINGSTON. I would make the same answer to that question, sir.

Mr. KUNZIG. Now I have here a very unusual exhibit which is an exhibit from a dinner meeting called "Welcome Home, Joe Dinner"—a salute to those who serve in the fight for a better world—on the occasion of the second anniversary of American Youth for Democracy; Hotel Roosevelt, New York, December 12, 1945, and listed as chairman, the New York State Office of American Youth for Democracy, is Cpl. David Livingston, chairman, and then in parentheses it says, ("In the United States Armed Forces,") close of parentheses.

Were you chairman of the American Youth for Democracy at that time?

Mr. LIVINGSTON. May I see that, please?

Mr. KUNZIG. Certainly.

Mr. LIVINGSTON. Mr. Chairman, this is a perfect example of why a witness is in the position of having to decline to answer these things.

Mr. CLARDY. Do you decline to answer the question?

Mr. LIVINGSTON. May I make this answer, please—

Mr. CLARDY. Not until you tell us whether or not—

Mr. LIVINGSTON. I am going to decline to answer the question, and I would like to give an explanation, if I may.

Mr. CLARDY. Not unless you answer. If you answer the question one way or the other you may give any explanation you want.

Mr. LIVINGSTON. I am going to decline to answer it, and I would beg leave of the Chairman to give you an explanation as to why I decline.

Mr. MOULDER. Mr. Chairman, I move that the witness be permitted to make the explanation he desires to make.

(At this point Mr. Livingston conferred with Mr. Sheinberg.)

Mr. CLARDY. Proceed, Mr. Counsel.

Mr. LIVINGSTON. Does that mean my request is denied, sir?

Mr. CLARDY. I denied your request before you had a conference. Proceed, Mr. Counsel.

Mr. MOULDER. I want to make my statement for the record that I think the witness is entitled to make the explanation he desires to make.

Mr. CLARDY. Not under these circumstances.

Mr. MOULDER. I say that is my opinion.

Mr. CLARDY. I understand.

Mr. WALTER. I am just wondering if that exhibit ought to be made a part of this record, because it contains the names of people I don't think ought to be placed in the position where we could be charged with smearing people.

Mr. KUNZIO. We can make it part of the record very easily.

Mr. SOMMER. Didn't you say not make it part of the record?

Mr. KUNZIO. What did you say?

Mr. WALTER. I say I don't think that that exhibit should be made a part of this record.

Mr. CLARDY. It isn't.

Mr. SOMMER. I think if it isn't going to be made a part of the record, it should be withdrawn.

Mr. CLARDY. You are not offering that as an exhibit, as I understand.

Mr. KUNZIO. No.

Mr. CLARDY. I asked you about the first document, and you didn't care to offer it, and as I understand it, you have not offered any of the others on which you have interrogated; am I right?

Mr. KUNZIO. No; I have not, because there are no answers on them.

Mr. CLARDY. None of them are in the record.

Mr. KUNZIO. There have been no answers by this witness.

Mr. CLARDY. There have been no answers on most of them, and you have not offered any of them as exhibits.

Mr. KUNZIO. There were 1 or 2 on previous witnesses.

Mr. CLARDY. I am talking about this one.

Mr. KUNZIO. Not on this one.

Mr. CLARDY. None of that is in the record.

Mr. KUNZIO. It has not been offered as an official record; no, sir.

Mr. CLARDY. That is the basis for my declination, coupled with his refusal to answer your question. Since it is not in the record, I do not care to have it expanded on.

Proceed.

(At this point Mr. Livingston conferred with Mr. Sheinberg.)

Mr. KUNZIO. He refused to answer the question, Mr. Chairman.

Mr. CLARDY. It isn't in the record.

Mr. KUNZIO. He refused to answer any questions.

I have here a copy of the Daily Worker, page 5, April 4, 1946, headlined "Hickam Field to Washington," picture marked "Livingston, leader of GI demonstration, now leads 'Win the Peace' delegation." The story goes, "It is just a stone's throw from Hawaii's Hickam Field to Washington, D. C., in global politics, but Dave Livingston, union organizer, former Army sergeant, one of the leaders of the GI demonstrations in Hawaii last January, is on his way to Win the Peace Conference in Washington this weekend."

Mr. CLARDY. What is the date again?

Mr. KUNZIO. April 4, 1946. Were you, as this paper seems to indicate, a leader of the GI demonstrations in Hawaii at that period of time?

(At this point Mr. Livingston conferred with Mr. Sheinberg.)

Mr. LIVINGSTON. Counsel, there were at least three parts to that question. I am not quite sure what you are asking me.

Mr. CLARDY. He just asked you one, as to whether you were one of the participants in that demonstration.

Mr. KUNZIG. I asked you only one question: Were you one of the leaders in the GI demonstrations in Hawaii? That was the question.

Mr. LIVINGSTON. I will decline to answer that question.

Mr. CLARDY. Same ground?

Mr. LIVINGSTON. Yes, sir; on the ground that the question is a violation of my rights under the fifth amendment which protects me both as to an innocent and guilty answer. I think that ought to be made clear. It should not be assumed that because I decline to answer it that the answer that I might give would convict me or subject me to some improper action.

The fifth amendment is for the protection of both the innocent and the guilty. It has been suggested here that a refusal to answer implies that there is something to be hidden. That is not necessarily the fact.

Mr. CLARDY. We will leave that up to the public, but the hour grows late. You may merely say "on the same grounds," and that will shorten it up. Proceed, counsel.

Mr. KUNZIG. Did you attend the Win-the-Peace Conference in Washington in 1946?

Mr. LIVINGSTON. I would decline to answer that question because I believe it is a violation of my rights under the fifth amendment.

Did you say I could say "on the same grounds"?

Mr. CLARDY. Yes, if you do; and you will have the advantage of all of that.

Mr. KUNZIG. For the record, Mr. Chairman, the National Committee to Win the Peace has been cited as subversive and Communist by Attorney General Tom Clark in 1947 and 1948 and also by the California committee.

I have here the Daily Worker, Monday, October 7, 1946, and the story is that

SIXTY LABOR, CIVIC LEADERS DEFEND COMMUNIST PARTY BALLOT RIGHTS

On the eve of the reopening of the court suit to bar the Communist Party from the New York State ballot, 60 labor and liberal leaders yesterday condemned the drive conducted by reactionary Democratic leaders against minority party electoral rights as an assault on the American principle of free elections

and listed in the group protesting is David Livingston, director of organization, Local 65, URWEDSEA-CIO.

Mr. CLARDY. May I see that?

Mr. KUNZIG. Are you the David Livingston therein listed in this article?

Mr. LIVINGSTON. I have to see the article, if I may.

Mr. CLARDY. I will let you see it in just a moment.

It is a capital "D." I thought maybe it was a small one.

Mr. LIVINGSTON. Sir, I don't remember this particular deal. I will say this: I believe to this moment the Communist Party appears on the ballot. I think if I were asked, I would generally be for the right of almost anybody to be on the ballot who lives up to the laws of the country, so it might have been, but I don't particularly recall it.

Mr. KUNZIG. Would you be for the right of the Communist Party today to be on the ballot?

Mr. LIVINGSTON. I don't have to be for or against it. It is as a matter of fact on the ballot. It is still regarded as a legal party, I believe.

Mr. CLARDY. That is one reason we have endeavored to tell witness after witness that a frank answer that they belong to the Communist Party—if in fact that they do—will not subject them to any criminal action whatever, and that is why, speaking now for myself, I am utterly unconvinced when somebody takes the fifth amendment that they are doing so in good faith if it is based merely upon the fact that they may belong to the Communist Party, because it is not, unfortunately, a crime to belong to that party as of today.

Mr. LIVINGSTON. In response to what you said, sir, let me tell you what happened to me before the McCarran committee.

Mr. CLARDY. Never mind about that. You can tell me off the record.

Mr. LIVINGSTON. Since you address the remarks to me—it will take me 2 seconds.

Mr. CLARDY. You will be able to tell me after it is over, because I would like to talk with you.

Mr. KUNZIG. Have you ever given lectures for the George Washington Carver School?

Mr. LIVINGSTON. What is the George Washington Carver School, counsel?

Mr. KUNZIG. I will pass over to you a brochure of the George Washington Carver School—"is proud to present a series of lectures by leading trade unionists entitled 'Labor and Politics,'" and there is one listing "Organizing the Unorganized" by Dave Livingston, February 24.

Mr. LIVINGSTON. What year is that?

Mr. KUNZIG. If that doesn't convince you, here is another one.

Mr. CLARDY. May I see it, witness, when you are finished?

Does it have a year on it?

Mr. LIVINGSTON. No; telephone number and address.

Mr. KUNZIG. If your memory needs refreshing, here is one dated George Washington Carver School, winter term, 1947. There is "Livingston, Dave; lecturer on labor and politics, organization director, Local 65, Wholesale and Warehouse Workers Union." Look at that and see if that refreshes your memory.

Mr. LIVINGSTON. Counsel, as a general policy I decline to answer any questions having to do with organizations having been described as subversive. If this is one of them, I will make the same declaration. If you tell me that it is not, I will be glad to give you the facts as to whether I ever lectured before this George Washington Carver School; but if it is on the subversive list, I decline to answer.

Mr. KUNZIG. In order that you may have the protection which this committee certainly wants to afford, the George Washington Carver School was cited as an adjunct in New York City of the Communist Party by Attorney General Tom Clark in 1947.

I presume now you wish to take the fifth amendment.

Mr. LIVINGSTON. I decline to answer anything in connection with organizations that have been labeled "subversive" because if you answer it, you are subjecting yourself to an easy frame by a lying stool pigeon which has already happened to me, and it is not going to happen again, I assure you.

Mr. KUNZIG. Here I have before me the same document that we presented earlier this afternoon of the Civil Rights Congress, which is a call to a conference for abolition of the Un-American Activities Committee, and the program of the conference lists under labor leaders speaking, David Livingston, organizational director, Local 65, URWEDSEA.

Mr. LIVINGSTON. Who called that conference?

Mr. KUNZIG. The Civil Rights Congress of New York, which, in case you have forgotten, is an organization which has certainly been designated as subversive.

Mr. LIVINGSTON. Anything having to do with organizations on the subversive lists, even if I had never heard of them I would decline to answer, and I certainly decline to answer this question.

Mr. KUNZIG. Well, let me just ask you then, so we get it straight for the record: Are you the David Livingston who is listed on the program of a conference at Manhattan Center, October 11, 1947, speaking against the House Committee on Un-American Activities, as sponsored by the Civil Rights Congress of New York?

Mr. LIVINGSTON. I don't want to fence with you. I am not responsible for what people list. I don't know what they are talking about. If you want to know whether I ever participated in a Civil Rights Congress affair, my answer is, since the Civil Rights Congress appears on the subversive list, any answer to that question, even if I had nothing to do with it, might endanger me, and I choose to exercise my rights under the fifth amendment—period.

Mr. CLARDY. How many more do you have there, counsel?

Mr. KUNZIG. There are quite a large group here.

Mr. CLARDY. Is it necessary that we go down through the remaining ones? It is getting pretty close to 4 o'clock.

Mr. KUNZIG. Maybe, Mr. Chairman, we could take at this stage perhaps a 5-minute break, if you would be so kind as to permit it, and we could perhaps finish this particular witness very quickly.

Mr. CLARDY. Well, is there any reason why we can't finish first and then take the break?

Mr. KUNZIG. There is.

Mr. CLARDY. You make that request?

Mr. KUNZIG. Yes, sir.

Mr. CLARDY. Very well. We will take a 5-minute recess.

(Thereupon a short recess was taken.)

Mr. CLARDY. The hearing will be in order.

Are you ready, Mr. Counsel?

Mr. KUNZIG. Yes, sir.

Mr. Chairman, I have a large additional number of documents which, because of the lateness of the afternoon, I just wish to state for the record are documents all listing the name of this witness, and all listing organizations or front organization which have been listed as subversive by either the Attorney General or this committee or both. There are just a few more I would like to mention specifically.

I have here a copy of the Daily Worker of July 19, 1949, with a story, "Labor rally to mark the year of the frameup of the 12"—referring to the trial of the Communist leaders, of course, and one of the speakers at this was a David Livingston, vice president, local 65. Are you the David Livingston therein mentioned?

Mr. LIVINGSTON. May I see the article? Mr. Counsel, I accept no responsibility for what appears in the Daily Worker.

Mr. KUNZIG. Can you explain why your name appears there so frequently?

Mr. LIVINGSTON. Can you explain what the Daily Worker does? I can't.

Mr. KUNZIG. I thought maybe you could better than I.

Mr. LIVINGSTON. I don't know; maybe you can do it better than I can. I accept no responsibility for it.

Mr. CLARDY. If both of you will pardon me, let us get back to the question. The question again, counsel.

Mr. KUNZIG. I will then reframe the question at this time and ask you whether you participated in a "labor rally to mark the year of the frameup of the 12," as stated here along with Ben Gold, president of CIO Fur and Leather Workers Union, and other well-known people.

Mr. LIVINGSTON. Well, like many other organizations, without accepting any responsibility for words like "frameup" and "year's anniversary" and what not, the CIO and numerous other people expressed concern about the Smith Act per se, and I was undoubtedly amongst them. But as to whether I ever appeared in this particular rally in the company you listed, I would have to claim my privilege.

Mr. CLARDY. You decline to answer, then?

Mr. LIVINGSTON. That specific question; yes, sir.

Mr. CLARDY. Proceed, counsel.

Mr. KUNZIG. "New York unions pledge drive to free Bridges," Daily Worker, April 17, 1950. The story says, again in this Daily Worker—for which, of course, you take no responsibility; I realize you didn't put your name in it, but it says:

An initial \$1,000 was pledged for the freedom drive for Bridges by David Livingston, local 65, Wholesale and Warehouse Workers.

Did you pledge a thousand dollars in this freedom drive?

Mr. LIVINGSTON. Mr. Chairman, if these questions could be separated from the Worker and some of their language—

Mr. KUNZIG. The question is very simple.

Mr. LIVINGSTON. I phrase like "freedom drive"—I forget what that means. We did make a contribution to the legal defense of Mr. Bridges.

I am perfectly free to say that.

Mr. CLARDY. That answers it. Whether it was \$1,000 is immaterial.

Mr. LIVINGSTON. Whether it was a freedom drive, as the Worker says, I can't accept responsibility for that or answer it.

Mr. KUNZIG. Did you use union funds to work for the freedom of Bridges?

Mr. LIVINGSTON. None of the funds of the union are usable by officers as such. This particular contribution you speak of was contributions made by members turned into the union and turned over by the union to the Bridges' defense.

Mr. CLARDY. Over and above the normal union dues or assessment?

Mr. LIVINGSTON. Having nothing to do with union dues as a voluntary matter. I would like to say, since Mr. Michelson gave an in-

exact answer to that question or declined to answer a similar question, that none of the funds of the union are used for any other purpose except union business and by specific decision of the members. Not a single penny has ever been diverted for Communist causes or any other causes of union funds.

Mr. CLARDY. If the union membership under skillful leadership of Communist leaders decides to donate to the Communist cause, then it is done; isn't it?

Mr. LIVINGSTON. Do you really think that is a fair question, Mr. Chairman?

Mr. CLARDY. No; I think that is a statement of fact.

Mr. LIVINGSTON. It includes a lot of loaded words like "skilled," et cetera.

Mr. KUNZIG. Let us just ask you this: If the books and records and everything are so clear, could you explain to the committee why you spent 3 months in jail for defying a grand jury and refusing to turn over your books and records?

Mr. LIVINGSTON. I would be glad to do that, sir. In the first place, I did not spend 3 months in the jail, but exactly a night and a half, a very unpleasant night and a half, may I add.

Mr. CLARDY. Where was this?

Mr. LIVINGSTON. This Federal district.

Mr. CLARDY. Here?

Mr. LIVINGSTON. Yes; I will be glad to explain what happened.

Mr. KUNZIG. You were sentenced to 3 months; were you not?

Mr. LIVINGSTON. Yes, we were.

Mr. KUNZIG. We are anxious to get an explanation.

Mr. LIVINGSTON. What happened was that a demand was made for our books and records and membership lists. As a matter of principle it seemed to us that those were privileged records which had been turned over to us by our members and that we should not make them available to anybody.

We believed it was a violation of the fourth amendment, and we refused to turn over the books.

Mr. SCHERER. A Federal judge thought otherwise; didn't he?

Mr. LIVINGSTON. Yes, we had a difference of opinion with the judge.

Mr. SCHERER. The same as you have with this committee.

Mr. LIVINGSTON. I don't believe I have a difference of opinion with this committee.

If you would let me give an explanation, you would find yourself in complete agreement with it.

Mr. CLARDY. Anyway, the judge won out in the first round.

Mr. LIVINGSTON. Yes, on the first round. What happened was that—

Mr. CLARDY. Who was the judge?

Mr. LIVINGSTON. Irving Kaufman.

The judge denied bail, and an appeal was taken by our attorneys to the circuit court, and Judge Learned Hand was sitting and was indignant at the denial of bail, and he called upon the Government attorney—"What can happen to this country if this man is released on bail?"—

Mr. CLARDY. Were you released then?

Mr. LIVINGSTON. Let me complete the story.

Mr. CLARDY. Just answer the question: Were you released?

Mr. LIVINGSTON. Yes, yes. What happened was that the United States attorney then made a claim that \$80,000 of the union's money had been given to the Communists, the fugitives that got away, you know—the union's money. When I heard that, I said, "If that is what you are looking for gentlemen, we will give you everything. See if you find 1 cent that was put up for the bail for the Communists," and the grand jury then took our books, made an exhaustive and exhausting examination. They did not find 1 cent given for bail or any other possible diversion of union funds, and I think it all turned out for the best because it cleared the air of all the nonsense about our union's funds being the plaything of the Kremlin and other such nonsense that had just been dished out.

Mr. SCHERER. You have special drives to get these funds, don't you?

Mr. CLARDY. Outside of the union?

Mr. LIVINGSTON. Which funds do you mean?

Mr. SCHERER. This thousand dollars, for instance, that you admitted was spent, that was gotten from union members; wasn't it?

Mr. KUNZIG. For Bridges.

Mr. SCHERER. He was a Communist. You said it came from union members.

Mr. LIVINGSTON. It is a fact that various members of our union contributed funds for Bridges' defense because they believed being prosecuted was based upon his leadership in the union. They may have been right or wrong.

Mr. SCHERER. Some officer had gone out and solicited those funds?

Mr. LIVINGSTON. No; it doesn't work that way actually.

Mr. SCHERER. You mean he put pressure on instead of soliciting—

Mr. LIVINGSTON. I do not mean he put pressure on, and I think that is a very unfair question, if I may say so. There is nothing to suggest members are pressured. If you find a union which is more democratic and more freely expresses the will of its members, I would like you to name it. Our members do not do things under pressure, but under their own consent and because they believe it is the right thing to do.

Mr. CLARDY. May I interpose something to kind of cool the atmosphere?

Mr. LIVINGSTON. Surely.

Mr. CLARDY. May I suggest that your lucid explanation of this incident that was suggested by counsel's question has probably served a good purpose, from your standpoint as well as from ours, and that is what I had in mind earlier. The truth can never hurt anyone. That is why I urged you earlier—Do you have any more explanation or have you finished the explanation as to that incident?

Mr. LIVINGSTON. I have finished the explanation as to that incident.

Mr. CLARDY. I have given you a privilege that is rarely accorded witnesses before this committee. I hope you appreciate that.

Mr. LIVINGSTON. I certainly do.

Mr. CLARDY. Will you proceed.

Mr. SCHERER. I still want to know how they got the thousand dollars. I said "solicited" and he didn't agree with that; so I thought maybe it was pressured.

Mr. CLARDY. He says "No."

Mr. SCHERER. I understand that. I want to know. It wasn't solicited, and it wasn't pressured; so, then I get a lecture, and I want to know how it did happen.

Mr. LIVINGSTON. Shall I answer?

Mr. SCHERER. Yes.

Mr. LIVINGSTON. I didn't object, I don't think, to the word "solicit."

Mr. SCHERER. You certainly did.

Mr. LIVINGSTON. Let me tell you what happened.

Mr. CLARDY. Make it short because it is getting late.

Mr. LIVINGSTON. I will make it as short as I can, but not at the expense of the truth.

Mr. CLARDY. Oh, I wouldn't want that.

Mr. LIVINGSTON. We have a big organization with thousands of members, and we are not ill-equipped financially, and we get scores and scores and scores of requests for financial assistance of all kinds.

Mr. CLARDY. Just like Congressmen.

Mr. LIVINGSTON. Maybe even worse.

Mr. WALTER. Couldn't be.

Mr. LIVINGSTON. I concede, Congressman, yours is probably worse. Anyway, what we do—

Mr. SCHERER. Not for Communist causes, though. Go ahead.

Mr. LIVINGSTON. I wouldn't be surprised if some Congressmen haven't on occasions gotten requests for others.

What we do as a matter of practice, we inform our members of all of these requests. We get requests from charitable organizations and religious organizations and labor organizations and all kinds, and we inform our members of the requests that have come in, and we leave it up to them.

Last year, as a matter of fact, what we did—because they had so many requests we decided to say to our members this: "Let us have one collection a year. When you turn in money, you say where you want it to go and wherever you want it to go, that is where we will turn it over."

This year the bulk of the money went to the Greater New York Fund, Catholic Charity, NAACP, and other similar organizations, and a great deal of money went to the assistance of Israel, but wherever the members want the money to go it is sent.

Mr. KUNZIG. That fits in, Mr. Chairman, with my next question.

Mr. SCHERER. I want to know how they got the thousand dollars for the defense of Bridges.

Mr. LIVINGSTON. In the course of informing our members of various requests that had been made, we advised them that amongst the requests was a request to assist in the defense of Mr. Bridges. When our members became acquainted with the fact that such a request had been made, some of them chose to turn money over to us which in turn was turned over to the Bridges' defense.

Mr. SCHERER. Did you hold all these connections with these Communist-front organizations when making that—

Mr. LIVINGSTON. Congressman, there is no—

Mr. SCHERER. Let me finish the question. Did you make the request that some money ought to be donated to the Bridges' defense?

Mr. LIVINGSTON. Let me answer your question in two parts. The first part of your question was did I hold all these connections with Communist organizations—

Mr. SCHERER. I said "Communist-front."

Mr. LIVINGSTON. Let me say that my declining to answer questions in connection with these Communist fronts should not be taken by you as an admission that I had the connection, but only that having it or not might endanger me, and I chose to exercise my privilege under the fifth amendment.

Mr. SCHERER. May not be taken by me, but has been.

Mr. LIVINGSTON. I think you are in error if you do and unfair to me and in violation of my rights if you make that assumption.

Mr. WALTER. Taken by itself I would agree with you, but there is abundant evidence that what Mr. Scherer says is correct. There are a number of people who have testified as to your activities.

Mr. LIVINGSTON. I have never heard this testimony, and I simply say to you, sir, that my declining to answer questions should not, under the interpretation of our Constitution as I understand it—and as the finest legal talent has told us—a declination does not mean that you are guilty of action which you are hiding, but only that, innocent or guilty, you choose to decline for your own protection.

If that were not true, the fifth amendment would be the very opposite; it would mean if you exercised the fifth amendment you are admitting guilt. I am not admitting any such guilt, and I do believe that—

Mr. WALTER. Of course, you don't realize the fifth amendment applies only to people testifying against themselves in a criminal proceedings.

Mr. LIVINGSTON. Granted, sir.

Mr. WALTER. This isn't a criminal proceedings.

Mr. LIVINGSTON. Granted, but it does mean this: Mr. Budenz testified before the McCarran committee, and he said—

Mr. CLARDY. Pardon, witness. We have heard both sides of this argument quite a few times.

Mr. LIVINGSTON. All right; very well, sir.

Mr. CLARDY. The hour is late, and I agree with my fellow Congressman here. He is, I think, more nearly correct than you are, but will you go ahead.

Mr. KUNZIO. One final question, if I may. I have here the Daily Worker of Monday, April 13, 1963, which has an article "Distributive Union Parley O. K.'s Move To Enter CIO," and it says:

Negotiations looking toward affiliation of the Distributive, Processing, and Office Workers with the CIO or its merger with other CIO unions were unanimously approved by delegates to the union's convention held over the weekend.

It goes on:

Several days before the convention there was a report by David Livingston, who was later named secretary-treasurer of the DPO—

and so forth. The article goes on to say:

The resolution submitted by the administration also said, "We love our country and oppose communism," in line with the general tone set by DPO's leaders to prove to the CIO the union is "worthy" of admission into its ranks.

In other words, suggesting, as I have in earlier questions today, that there is an attempt to lead this union away from any Communist activities. In line with that statement I want to ask you once again, Mr. Livingston, to answer honestly and frankly the question: Are you today a member of the Communist Party?

Mr. LIVINGSTON. Counsel, your union is absolutely free——

Mr. KUNZIG. That is not the question. I asked you one simple question. Are you, Mr. David Livingston, today a member of the Communist Party? That is the question.

Mr. LIVINGSTON. Mr. Chairman, that question was preceded by a lengthy question and quotation.

Mr. CLARDY. The question is separated now from that. Just answer yes or no or decline.

Mr. LIVINGSTON. May I assume my answer to the question about myself will not rebound on the statements made about our affiliation with the CIO and the non-Communist character of our union?

Mr. CLARDY. The question has no connection with that whatever, and counsel very carefully severed the two. The question now is, and I will rephrase it and put it as my own: Are you now a member of the Communist Party?

Mr. LIVINGSTON. For the reasons I have previously given, sir, I decline to answer that question.

Mr. KUNZIG. No further questions, Mr. Chairman.

Mr. CLARDY. Do you have any further questions, Mr. Scherer?

Mr. SCHERER. No; I have no further questions.

Mr. CLARDY. Mr. Walter?

Mr. WALTER. No.

Mr. CLARDY. Mr. Moulder?

Mr. MOULDER. No.

Mr. CLARDY. Is there any reason the witness should not be excused from the subpoena at this time?

Mr. KUNZIG. No reason.

Mr. CLARDY. You are excused, witness.

Mr. KUNZIG. We have three more witnesses, Mr. Chairman, and I believe that counsel who represents all three—as he has the previous three—has a recommendation or suggestion to make to this committee.

Mr. CLARDY. All right; we will break precedent and permit you to tell us what is on your mind.

Mr. SHEINBERG. Thank you, sir. In the interests of shortening this hearing, if possible, I would be prepared to stipulate on behalf of the remaining three witnesses that the answers to the general category of questions asked of the three preceding witnesses would be of the same same nature, and that the invocation of the privileges under the fifth amendment would likewise be claimed or invoked.

Mr. CLARDY. Counsel, may I ask you a question?

Mr. KUNZIG. Yes, sir.

Mr. CLARDY. Do you have here files similar to those that you have exhibited on the first three witnesses?

Mr. KUNZIG. Yes, sir; I do. I would like to suggest, however, that the three witnesses at least be called and brought before the committee so we will know they are here.

Mr. CLARDY. We will place them under oath, identify them, and dispense with further formalities and accept counsel's statement.

Mr. KUNZIG. May we call them all at the same time, Mr. Chairman?

Mr. CLARDY. Yes; I suggest that.

Mr. KUNZIG. Peter Stein, Jack Paley, and Arthur Osman.

Mr. CLARDY. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OSMAN. I do.

Mr. PALEY. I do.

Mr. STEIN. I do.

**TESTIMONY OF ARTHUR OSMAN, JACK PALEY, AND PETER STEIN,
ACCOMPANIED BY THEIR COUNSEL, ARTHUR SHEINBERG**

Mr. KUNZIG. Mr. Arthur Osman, would you step forward?

Mr. OSMAN. Yes.

Mr. KUNZIG. Mr. Osman, so we get your name and official title correctly on the record, your name is Arthur Osman; is that correct?

Mr. OSMAN. That is right.

Mr. KUNZIG. O-s-m-a-n?

Mr. OSMAN. Yes.

Mr. KUNZIG. What is your address?

Mr. OSMAN. I would appreciate it if the address were taken in executive session. We have been molested every time there was such a hearing.

Mr. CLARDY. Do we have his address?

Mr. OSMAN. I will give it if you want it—

Mr. KUNZIG. We would like the address, and the committee always before has required the address to be given.

Mr. OSMAN. I will give it to him, but don't ask me to call it out loud.

Mr. CLARDY. It will be part of the record no matter how you give it.

Mr. OSMAN. But it won't be published until the record has been issued.

Mr. CLARDY. The Chair has no alternative but to order you to answer the question.

Mr. OSMAN. It is a very unfair alternative.

Mr. CLARDY. No, it is not, and I do not care to have you address the Chair in that fashion.

Mr. OSMAN. I did not say that the Chair is unfair, but the action has an unfair result. The last time we had such an experience we had some windows broken.

Mr. CLARDY. The time is short. I must interrupt you. Answer the question.

Mr. OSMAN. 2272 East 28th Street, Brooklyn.

Mr. CLARDY. What is next?

Mr. KUNZIG. Then since the counsel has stated that the answers will be similar, I will not go through this pile of evidence, Mr. Chairman.

Mr. CLARDY. No, do not.

Mr. KUNZIG. I shall just ask the one single question, are you now a member of the Communist Party?

Mr. MOULDER. Or have you ever been?

Mr. KUNZIG. I am sorry; I should ask two questions. Are you now a member of the Communist Party?

Mr. OSMAN. I decline to answer that question on the grounds of the fifth amendment.

Mr. KUNZIG. Have you ever been a member of the Communist Party?

Mr. OSMAN. Same answer.

Mr. CLARDY. Proceed to the next one.

Mr. KUNZIG. Mr. Jack Paloy.

Your name is Jack Paloy?

Mr. PALMY. Yes.

Mr. SHEINBERG. May I give counsel the address of Mr. Paloy? He has a family and small children, and it will work a serious hardship on an innocent family—it is 20 Cherry Avenue, New Rochelle. Would you accept that?

Mr. CLARDY. That is something, counsel, again normally that we do not do; we do not even permit counsel to address the committee. These are unusual circumstances, but that is something that has not been done, and as counsel suggests, it would be setting a precedent.

Mr. SHEINBERG. May I state it, 20 Cherry Avenue, New Rochelle.

Mr. PALMY. Congressman, I have been molested, and my family. I have small children, and we have been molested by some hoodlums; my wife suffered a nervous breakdown, and we had to move out. We are in a new home now. I would appreciate it. I will give my address in executive session.

Mr. SHEINBERG. I have the address right here.

Mr. PALMY. I would like to keep it out of the press if possible.

Mr. CLARDY. Proceed.

Mr. KUNZIG. Mr. Paloy, are you now a member of the Communist Party?

Mr. PALMY. I refuse to answer on the fifth amendment.

Mr. KUNZIG. Have you ever been at any time a member of the Communist Party?

Mr. PALMY. I decline to answer on the same grounds.

Mr. KUNZIG. Mr. Peter Stein, P-e-t-e-r S-t-e-i-n?

Mr. STEIN. That is correct.

Mr. KUNZIG. What is your address, Mr. Stein?

Mr. STEIN. 1146 Ogden Avenue in the Bronx.

Mr. KUNZIG. Are you now a member of the Communist Party, Mr. Stein?

Mr. STEIN. I decline to answer that on the grounds of the fifth amendment.

Mr. KUNZIG. Have you ever at any time been a member of the Communist Party?

Mr. STEIN. I decline to answer that on the grounds of the fifth amendment.

Mr. KUNZIG. I have no further questions, Mr. Chairman, of these three witnesses.

Mr. CLARDY. Is there any reason they should not be excused from the subpoenas?

Mr. KUNZIG. I have no reason, sir.

Mr. CLARDY. The witnesses are excused.

Mr. SHEINBERG. May I, as counsel, express my sincere appreciation to the committee for the many courtesies shown to my clients and to myself in this hearing.

Mr. CLARDY. We have broken a lot of precedents, and it is a delight to break this one and allow you to say that.

Mr. SHEINBERG. Thank you.

Mr. CLARDY. There will be a few minutes' recess, and the next hearing will be in executive session.

(Whereupon the public hearing adjourned at 4:25 p. m., and the subcommittee went into executive session, Representatives Gordon H. Scherer, Kit Clardy, Francis E. Walter, and Morgan M. Moulder being present.)

EXECUTIVE SESSION¹

Mr. CLARDY. Do you solemnly swear the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PHILBRICK. I do.

(Representative Gordon H. Scherer left the hearing room at this point.)

Mr. KUNZIO. Would you state your name, please, for the record?

TESTIMONY OF HERBERT A. PHILBRICK

Mr. PHILBRICK. My name is Herbert A. Philbrick, P-h-i-l-b-r-i-c-k.

Mr. CLARDY. Author of I Led Three Lives; that is in my library.

Mr. PHILBRICK. Yes, sir.

Mr. KUNZIO. Mr. Philbrick, I see, of course—it is most unnecessary to state—that you are unaccompanied by counsel, but I take it you prefer to testify without counsel?

Mr. PHILBRICK. Yes; I do.

Mr. KUNZIO. I wanted the record to show that. What is your address, sir.

Mr. PHILBRICK. My address is 21 Vermont Avenue, White Plains, N. Y.

Mr. KUNZIO. I note, of course, that you have testified before this committee previously, and we have records to that effect. Therefore the typical background questions and material of that nature, questions of that nature, would not be necessary to ask.

Briefly, as I understand, you did act as undercover agent for the FBI for a period of 9 years; is that correct, sir?

Mr. PHILBRICK. Yes; it is.

Mr. KUNZIO. What is your present occupation, Mr. Philbrick?

Mr. PHILBRICK. At the present time I am working for the New York Herald Tribune in New York, a member of the advertising staff of the paper. Also I write a Sunday column for the Tribune called The Red Underground.

Mr. KUNZIO. Mr. Philbrick, the purpose for which we have asked you to come before the committee today is to give us the benefit and knowledge of your experience with regard to any possible individuals whom you might know or might have evidence about who were involved in a conspiracy of the Communist Party among the clergy. We are interested, of course, only in individuals as they may have an effect in this vitally important field.

Mr. Philbrick, could you give us any information on the question of the attitude of the Communist Party toward religion? Do they consider it important as far as Communist domination is concerned?

Mr. PHILBRICK. Yes, sir; they do, and I was originally given that Communist Party training and instruction as to the party attitude

¹ Released by the full committee.

toward religion in my earliest days in the Communist Party movement when I was first asked to join, and did join after consulting with the FBI, the Young Communist League.

Immediately after joining the YCL I discovered that one of the most important aspects of our work was that of educational sessions which took place at regular YCL meetings every other week. We had in our YCL in Cambridge, Mass., a number of young college people, mostly young college people, and young folks from the neighborhood there in Cambridge.

One of the textbooks which was used in the training of these embryo Communists was a book written by Lenin called 'The Tasks of Youth.' This book was printed by the Communist Party in this country and had a foreword in the book by Alexander Trachtenberg, one of the top Politbureau members here in the United States.

Mr. Trachtenberg in his foreword explained that although this was a speech delivered by Lenin many years ago to the Young Communist League in the Soviet Union, it applied very specifically and directly to the young people, the youth, in capitalist countries, too, and our instructor at our YCL cell explained to us that this, of course, included that of the young people in the United States.

I would suggest the part which applies specifically to No. 1, the vast importance of reeducating the young people in order to create a Communist society; and No. 2, the principal objectives of the Communist Party in educating and reaching the young people, because Lenin states quite specifically that the prime objective of the Communist Party should be to imbue the youth with Communist ethics, and there is thereafter a passage which says that of course Communists do not believe in God and that they know that the clergy speak in the name of God only in order to serve the interests of the capitalist class of the nation, and as Communists, of course, we know therefore that everything they say is completely false.

In the first place, we were told, the Communist Party must imbue the youth with a completely new type of ethics, and that comprises Communist ethics, and then they go on further to say that this type of ethics means that you do whatever is necessary in order to accomplish your objectives.

Mr. CLARDY. May I interrupt you? The word "ethics" is badly misused there because it means an absence of ethics.

Mr. PHILBRICK. That is true.

Mr. KUNZIG. Were you ever taught specifically in these meetings what the Communist Party intended in regard to religion in the United States of America?

Mr. CLARDY. You mean what its program of assaulting and destroying religion may have been?

Mr. KUNZIG. Yes; if he wishes to go into that.

Mr. PHILBRICK. Well, I believe again that the text of this particular book will show quite clearly that communism and religion cannot exist side by side in any society; that either one or the other must be destroyed, and that was the Communist Party position.

Now, so far as the strategy, and tactics, of the Communist Party in this country are concerned, under present conditions we were taught that the Communist Party at this moment was not to destroy religion in the United States but to use it.

Now, for example, as the committee knows from my previous testimony, I was instructed to be an underground secret member of the Communist Party. At one point in my experiences I moved from the community of Cambridge, Mass., up to Wakefield, and I was called into a special meeting of the Young Communist League at that time, and one of my instructions that was given to me before moving up to this new community was that I was to join the local church in that community. The reason for joining it was severalfold.

Number one, and the most important reason, was that no Communist is of any value to the Communist Party if he isolates himself from the masses of the people. He must, instead, I was told, cement closer ties with the masses of the people. The comrades knew that I had always been very active in Christian youth work; he had been head of a young Baptist youth organization, and they said that those contacts now are very valuable. "You know many adult leaders in the Christian youth movement, and you must under no circumstances do anything to disrupt those connections. You must, instead, keep those relationships."

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. KUNZIO. Are individual clergymen of value to the Communist Party when, as, and if they may be Communists themselves?

Mr. PHILBRICK. They indeed are, sir.

Mr. KUNZIO. Would you explain to the committee, perhaps in some detail, how that could happen in the first place and just what individual clergymen could do to assist the party?

Mr. MOULDER. Does he know specifically of such a situation?

Mr. KUNZIO. That is the next question.

Mr. MOULDER. He should testify on that rather than to reach conclusions of his own. We hear that story from so many people.

Mr. CLARDY. I think, Congressman, if we did get the background of that first and then go into detail—because I think of another angle of it right now that will follow logically after the philosophical angle.

Mr. KUNZIO. That was my intention, sir; then to go into specific knowledge of this witness.

Mr. CLARDY. After he answers this question. Before you do, I have one to interpose, but go ahead and answer this one.

Mr. PHILBRICK. All right. I will begin, and then at any time please ask me any further questions that may help.

Perhaps the best way to begin is to review again testimony previously given before this committee on July 23, 1951. At that time I related that after many years in the Communist Party movement, and having slowly gone up the ladder in the Communist Party, I was moved out of the regular Communist Party organization, was ordered to sever all of my connections with known Communists and to go even deeper underground and to become a member of the pro group section of the Communist Party in Boston, Mass.

Mr. CLARDY. Meaning the professional group?

Mr. PHILBRICK. Yes; and as I testified before, before this committee, this pro group was composed, I discovered, of doctors, lawyers, teachers, professors, businessmen, Government workers, and people in communications such as the newspaper and radio and telephone, and also

in Boston, Mass., a cell of special Communists who were posing as ministers of the gospel.

Mr. CLARDY. You say "posing." Explain that.

Mr. PHILBRICK. That is right; because these men certainly were not true ministers of the gospel in any way, shape, or manner. They were Communists first and completely—dedicated, hardened, steeled Communists—because otherwise you could never be a member of the pro group section.

Mr. CLARDY. That leads to the question that I had in mind. How were they recruited, or if not recruited, how did they get into that position of important responsibility?

Mr. PHILBRICK. So far as I could determine, these individuals were Communists before they became ministers. Just before I got out of the Communist Party in 1949 I was attending a series of secret sessions of a Communist school called the Boston School for Marxist Studies. The sessions I attended were at the home of Otis Archer Hood, the chairman of the Communist Party in Massachusetts.

One of the students in this special course was a young theological student who was already a member of the Communist Party, but was being assigned by the Communist Party to move into the religious field, and that meant that he would have to go through his preliminary training at college and then go into a theological seminary and then be ordained as a minister in one of the major denominations.

Mr. CLARDY. Then what you are saying is that it is part of the Communist plot to start someone on the road to the ministry, knowing full well that he is not going to be a minister in the true sense of the word, but merely as a party agent?

Mr. PHILBRICK. That is absolutely true, sir.

Mr. MOULDER. Do you recall this man's name you are referring to in your testimony?

Mr. PHILBRICK. No; I do not. In fact, so far as I can recall, I never did learn his name. This was just prior to my appearance on the witness stand before Judge Medina, and the course had not been completed, and, as you know, at any of these secret sessions, full names were never used, only first names or nicknames. Sometimes you would sit directly next to a person for weeks at a time without ever knowing who he was. It was a very difficult job, even inside of your own cell, to discover the identity of everyone, so it is not my recollection now whether I learned the identity of this individual or not.

I can't recall it now.

Mr. CLARDY. Then the thing you are saying is that there isn't so much recruitment of ministers, but rather the attempt to insinuate people into the ministry who are Communists to start with?

Mr. PHILBRICK. That is the initial phase of it, sir, but then following that, and of great aid and assistance to the Communist Party, is their campaign of using non-Communist Party ministers and victimizing innocent individuals in the religious field.

Mr. CLARDY. How?

Mr. PHILBRICK. Well, that is done in a thousand different ways. It is done through the circulation of petitions. It is done by the soliciting of funds for Communist-front organizations. It is done by inviting ministers to join Communist-front organizations and to give their permission to use their names on the letterheads of these Communist-front organizations.

Mr. CLARDY. You mean without disclosing the fact that they are deliberately trying to dupe the ministers?

Mr. PHILBRICK. That is right; that is right.

Now, I can give many, many examples of how that is done, but just let me illustrate one. In 1943 I was contacted by the Communist Party headquarters in Boston and was told that the Young Communist League was going to be dissolved and that a new youth organization would be formed by the Communist Party. I was instructed to come to New York City to attend the dissolution of the YCL and to further attend the formation of this new youth organization.

I was told that the new organization would be called American Youth for Democracy, AYD. I was further told that upon my return to Massachusetts the party wanted to have me and would assign me to be the State treasurer in Massachusetts of this organization. I came to New York, attended the conventions as instructed, and went back to Massachusetts.

In Massachusetts we sent out letters of invitation to every youth organization we could find, either in the telephone book or on the listings of church manuals, and so forth. These letters went out to these young people. They came to a founding convention of the AYD in Massachusetts and we had a very, quote, "democratic," end of quote election.

There were nominations from the floor for the officers; voting was by secret ballot and Herbert A. Philbrick was elected State treasurer of AYD. Not one of those young people knew that that decision had been made by the Communist Party long before they had even heard of the name of the organization.

Mr. CLARDY. How was the manipulation of the ballots handled?

Mr. PHILBRICK. Well, that would take a long time to explain how that was done, but the key to the situation was this, that in the letters that were sent out from Communist Party headquarters to these youth organizations, Herbert A. Philbrick was listed as a Baptist youth leader, and these young people did not know they were voting for a cardholding, dues-paying member of the Communist Party. They thought that they were voting for a Baptist youth leader.

Now, the Baptist Church had no knowledge that this was being done. I was not officially a delegate from the Baptist Church. That was simply the tag put onto my name by the Communist Party. That is just one example of how a church signature is used by the Communist Party in order to obtain certain ends.

To have a Communist Party member in such a key position was of vital and vast importance to the party—state treasurer.

Now, in the same organization we had, of course, a national headquarters; we had a national magazine; we had a great deal of propaganda which went out over the name of AYD. In these publications, in this propaganda appeal, a certain amount of it was written by a man called Reverend Eliot—I think his name is—White. A great many young people, non-Communist young people, joined AYD because they would assume, and had full right to assume, that any individual member of the clergy could be trusted, and that any organization being backed and being testified to by a member of the clergy should be a legitimate organization. The fact is that Reverend Eliot

White, according to his own statements made long after AYD folded, was and is a member of the Communist Party.

Mr. CLARDY. Was he actually a minister of the Gospel?

Mr. PHILBRICK. I believe he was ordained as such; yes, sir. I know that his picture which we featured in our Communist publication showed him wearing a clerical collar, and his name always appeared as Rev. Elliot White.

Mr. CLARDY. Well, having had some experience in other fields and knowing how their titles are assumed many times, I ask you that wondering if it was possible—

Mr. PHILBRICK. So far as I know, his church organization has taken no action against him, sir, and so far as I know, his church organization has not taken that title away from him nor prevented him from using that title in this Communist-front organization.

Mr. CLARDY. All right; proceed.

Mr. PHILBRICK. In 1947, when I joined the pro group, shortly thereafter, we selected a new chairman for our very secret, deeply underground cell. The chairman of our underground cell, the now chairman, was a Martha Fletcher. Martha Fletcher also was the head of the Unitarian youth movement in this country, and she worked directly for Rev. Stephen Fritchman at Unitarian headquarters in Boston, Mass. I knew that she had obtained that position because it was known that she was a disciplined member of the Communist Party.

Certainly for the Communist Party to be able to move somebody into such a position of such vital importance to the Christian Church in this country, I think, is highly significant and very dangerous. Martha Fletcher is now in Paris, and I understand that her attorneys have advised her to stay there.

Another example I can give is the time when Rev. Hewlett Johnson, Dean of Canterbury, came to this country.

Mr. CLARDY. Commonly called the Red Dean.

Mr. PHILBRICK. Before he arrived in this country I received instructions from Communist Party headquarters that I was to work together with another comrade as a committee of two to prepare for the arrival of the Red Dean and to form a proper welcome to the Red Dean when he arrived in this country, and specifically in Boston.

The comrade I was assigned to work with at that time was Mrs. Elizabeth Moos, mother-in-law of the convicted perjurer, William Remington. She and I worked together at her apartment on Walnut Street in Boston.

Certainly neither she nor I could have achieved very much for the party by ourselves. That work had to be done by the subversive group of individuals, of Communists, posing as ministers because they in turn, of course, have had entree to other non-Communist clergy, and I think that the record will show that the dean was given a very fine welcome to Boston, and that was achieved through the efforts and the work of this small subversive cell of ministers in Boston.

Mr. KUNZIG. To the best of your knowledge when was the date of his arrival to this country, on this particular occasion?

Mr. PHILBRICK. I don't recall the exact date at the present time. However, I did write an article in great detail explaining this operation for the New York Herald Tribune about a year ago, and if the committee would desire, I would be glad to send that complete article in to you because in it the operation is described.

Mr. CLARDY. Send it along, and Mr. Counsel, have it marked as "Exhibit 1" upon its receipt.

(The article from the New York Herald Tribune, marked, and received in evidence as "Philbrick Exhibit No. 1" is retained in committee files.)

Mr. CLARDY. That was several years ago. I remember the incident, but I can't recall the date, either. As I remember, there were some patriotic demonstrations against his reception, too.

Mr. PHILBRICK. That is right.

Mr. KUNZIG. Are there any other specific illustrations such as the type you are now giving?

Mr. PHILBRICK. I would say that in almost every Communist-front operation we used the names of one or more ministers; and again the idea of the Communist Party, because all of these fronts were formed under the guidance of the Communist Party itself, was that the names of these ministers would enable the party to victimize a great many more people than they otherwise would be able to. I think it has been accurately estimated before this committee, as a matter of fact, that the Communist Party in this country has been able to obtain from non-Communist sources sums up to \$50 million a year obtained from non-Communist individuals and even some anti-Communist, and yet used for Communist Party purposes.

There again the names of ministers are extremely valuable to the Communist Party in enabling them to carry out that type of a fraudulent operation.

Mr. KUNZIG. Are the ministers to which you are referring, now listed in these different front organizations, largely non-Communists themselves, or were they?

Mr. PHILBRICK. That is right, sir.

Mr. KUNZIG. Who were duped?

Mr. PHILBRICK. That is true.

Mr. CLARDY. They were shown a good objective and enlisted in a cause they thought worthy?

Mr. PHILBRICK. That is completely right, sir. Since I have gotten out of the party, since 1940, it is evident to me, following Communist Party documents and manuals and the Daily Worker and other publications regularly, that the party today is even more successful in using ministers and in victimizing ministers than they were while I was in the party. For example, the Daily Worker reported that 2,300 ministers signed petitions for clemency for the Rosenbergs.

Mr. CLARDY. That isn't the best authority in the world, but at any rate, we can accept the fact that there must have been a considerable number.

Mr. PHILBRICK. That is right.

Mr. KUNZIG. Do you have any other specific example of a recent situation of this type other than this Rosenberg situation, a specific example of where a minister was used or his name was used?

Mr. PHILBRICK. Again there are so many examples which—

Mr. SCHERER. May I interrupt off the record?

(Discussion off the record.)

Mr. KUNZIG. Would you continue?

Mr. PHILBRICK. Yes, sir. One of the most flagrant examples occurred just about the first of this year, and this was a petition which was published widely in the Communist press, not only in this coun-

try, but all over the world. This Communist propaganda set forth that ministers in this country had stated that the Government of the United States was jailing political prisoners and political dissenters and was causing suffering to people for their political views and that increasing multitudes of the people in the United States consider that the United States fears the American people; the United States Government fears the American people and is no longer strong enough to tolerate freedom of speech and political association.

Now, this was a Communist plan, propaganda plan, specifically designed to create hatred and enmity against the United States.

The propaganda was true in that indeed a large number of ministers had signed this petition.

Well, what was the story? The story was that the Communist Party in this country had circulated a petition to the President of the United States, asking the President to grant amnesty to the convicted leaders of the Communist Party, the 11.

Again—what you said wasn't on the record.

Mr. SCHERER. No; it wasn't on the record, but eventually I am going to talk to this minister to try to get it on the record.

Mr. PHILBRICK. Well, again, as you had explained, the approach was made to these ministers for a very fine reason, you see. The letter was sent out over the name of a man who signed himself as a reverend. The ministers who received the letter were asked to sign a return postcard, and the return postcard went to a post office box in Philadelphia, Pa.

Mr. SCHERER. This is in connection with the 11 convicted Communists?

Mr. PHILBRICK. Yes, and again the approach was that in the time of Christmas and the time of good will to men, this would be a fine time to permit these prisoners to spend the Christmas season with their families at home.

Mr. SCHERER. You know that that is what they did?

Mr. PHILBRICK. That is right, because I telephoned, and it so happened that 280 names were obtained by mail and by personal solicitation for this petition. More than 25 percent of the names were ministers. I knew some of the people on that list, and I called one of them. I called the dean of Andover—Newton Theological Seminary, Dr. Herbert Gezork, G-e-z-o-r-k, because I knew that Dr. Gezork was certainly not only not a Communist, but he is very much of an anti-Communist. His own parents have perished under the Communists in Europe, and Dr. Gezork was shocked when he discovered that the petition was appearing in the Communist press with the use of his name, and he was the one who explained it to me, after some difficulty in recollecting it at all, as to how the comrades had managed to get his name.

The original approach had been made to him sometimes before Christmas, and he acknowledges he very foolishly signed this card and returned it. However, he did what many other ministers should do. He immediately dispatched telegrams to the person who had solicited his name and to the press and to the President, asking that his name be stricken from that list immediately because he certainly was not in favor of any of the objectives as set forth in the text.

Mr. KONZRO. Mr. Philbrick, you mentioned before that you had heard of specific ministers. I wanted to ask you whether you could give this committee specific names of ministers whom you personally

knew; let us say first, whom you personally knew as members of the Communist Party, and then perhaps secondly, ministers whom you heard of as members of the Communist Party.

Mr. PHILBRICK. First of all, I have no legal evidence which would stand in the United States court of law to prove that any of these individuals, members of the clergy, are in fact also members of the Communist Party. That, of course, is because of the way in which the Communist Party is organized. Each cell in the pro group underground section of the Communist Party is isolated. You are given strict instructions that you are to have nothing to do with any comrade outside of your own cell. You are never to mention the name of another Communist in your own cell, even though you may have knowledge of his membership.

If I had stayed in the Communist Party for another few months, I think I would be able to furnish the committee with firsthand knowledge as to the identity of these ministers in the Boston area.

I did learn from my pro group sources that there were perhaps 7 to 8 of these ministers in the Boston area. There were 70 to 80 members in the pro group as a whole in Boston.

Now, I was also, however, told from time to time inadvertently by other comrades that certain people were members of the Communist Party. One of these instances involved that of Rev. Stephen Fritchman who has, I believe, appeared before this committee. Martha Fletcher, the chairman of our pro group cell, worked directly for Stephen Fritchman, and she left no doubt at all in my mind that Stephen Fritchman was indeed a member of the Communist Party.

Rev. Elliot White, the name of Rev. Elliot White, I have already given to you.

There again I guess that is hearsay evidence since that knowledge I gained from reading the press, Communist press.

Mr. KUNZIO. Any others?

Mr. PHILBRICK. Let me see. Off the record. I am trying to recall the fellow's name.

Mr. CLARDY. Off the record.

(Discussion off the record.)

Mr. PHILBRICK. Rev. Anthony de Lucca, d-a L-u-c-c-a, formerly a minister in Wakefield, Mass., who, I was told by members of the party, had been the chairman of the Communist Party cell in Wakefield for a time.

Mr. KUNZIO. You mentioned 6 or 7 that you knew existed in the Boston area. How did you know that there were 6 or 7 if you don't know their names?

Mr. PHILBRICK. I believe that came up in the course of one of our fund-raising drives, and in our cell meeting we were discussing the sources of—we had to raise \$3,500 from our pro group section of 70 to 80 people, which was quite a large sum for that small number, and that posed the problem as to just how we were to go about it, and it was said at that time that we can't expect very much from our 7 to 8 ministers.

Mr. KUNZIO. You don't know the names of these 7 or 8?

Mr. PHILBRICK. No; in my own mind I am pretty certain I know who they are, sir, but I have never had any direct legal knowledge as to their identity. The reason again would be, as I explained before,

because these people were operating in a completely deeply underground way. They used the utmost security efforts to prevent, specifically to prevent, any Government agent or any counterspy from obtaining legal evidence which could be at a later date used against them.

Mr. KUNZIG. Are you suggesting that you, yourself, although you have no specific legal evidence as to who they are, actually from your own experience, have a pretty good idea who the individuals are?

Mr. PHILBRICK. Yes, sir.

Mr. MOULDER. You mentioned a while ago that you were told by someone of the person who was a minister and a member of the Communist Party.

Mr. PHILBRICK. Yes.

Mr. MOULDER. As you state, that was purely hearsay, but can you say who told you that?

Mr. PHILBRICK. Martha Fletcher told me that Stephen Fritchman was a member, and Elizabeth Guarnaccia, G-u-a-r-n-a-c-c-i-a, told me that de Lucca was chairman of the party in Wakefield.

This was prior to the time when I became active in the Wakefield cell.

Mr. MOULDER. Where does she now reside?

Mr. PHILBRICK. Now in Medford, Mass.; she appeared recently before the Senate committee, used the fifth amendment and has lost her position as a schoolteacher in the Somerville High School, Massachusetts.

Mr. CLARDY. You knew her to be a Communist?

Mr. PHILBRICK. Very well, sir.

Mr. KUNZIG. Mr. Philbrick, seeing as we are here in executive session, and this testimony being confidential, do you feel you could tell the committee the names of these ministers in the Boston area whom you, as you said, have a pretty good idea were the ones that you feel were the members of the Communist Party?

Mr. PHILBRICK. How does the chairman feel about that?

Mr. CLARDY. If you can name them; yes.

Mr. MOULDER. On what do you base your opinion?

Mr. SCHERER. He just told us of his connection—

Mr. PHILBRICK. I would base my opinion upon such things as this, for example: I would meet with Elizabeth Moos; we had certain orders and instructions that we were to do these certain things. Elizabeth Moos, I knew, was to contact these further individuals and told to have them do specific things. A week or so later these people would have done precisely what we were ordered to have told them to do.

My only conclusion would be that they were following Communist Party orders and instructions. This happened with some of these individuals over the course of a long period of time.

Mr. KUNZIG. Again and again and again?

Mr. PHILBRICK. Through every twist and turn of the Communist Party line.

Mr. KUNZIG. You would be in a meeting or someone would tell you that specific instructions of a certain nature were to go to these particular ministers, without naming the ministers?

Mr. PHILBRICK. That is right, the names would not be used for security reasons.

Mr. KUNZIG. Then you would later see that certain particular ministers whom you did not know to be Communists in the sense that you met with them in the party did exactly the things that the instructions contained?

Mr. PHILBRICK. That is right, sir.

Mr. MOULDER. For an example, what were some of the instructions?

Mr. PHILBRICK. One of the programs we had was to set up a Communist Party school in Boston, patterned after the Jefferson School of Social Science in New York City. This would be presented publicly as a non-Communist school, and the objective of the party was to enroll non-Communists in these Marxist courses. Therefore, again it was necessary to present this as a legitimate educational effort. I believe the record will show that certain ministers became sponsors of the Samuel Adams School in Boston, and their names appear on the letterhead of this organization, which I believe has been cited as subversive by either this committee or by the Attorney General.

Mr. MOULDER. Yes, that is right.

Mr. CLARKE. You, of course, were busy as an agent of the FBI, opening your eyes and your ears to everything that came along, and is it your considered judgment, based on all of that, that these people we are talking about were——

Mr. PHILBRICK. Yes, sir. Then we had many other campaigns: The Joint Anti-Fascist Refugee Committee, a fund-raising campaign; the National Council of American-Soviet Friendship, headed nationally by Corliss Lamont; AYD; Youth for Victory. I could run through just project after project, and I am sure that the public record will show that certain members of the clergy went right down the line, as I say, through every twist and turn of the Communist Party.

Mr. CLARKE. You think then that in some instances it is a little too pat to really be a coincidence?

Mr. PHILBRICK. Yes, sir. Also we had the use of the facilities of some of the churches and their facilities for Communist Party purposes.

This happened over such a long period of time that it was simply incredible and impossible that the minister in charge did not know or could not have known what was going on.

One of the most active centers of Communist Party activity then and now in Boston is the Community Church of Boston. The Community Church is headed by Rev. Donald Lothrop, L-o-t-h-r-o-p. He is one of the individuals who, I am sure in my own mind, is operating under Communist Party discipline. I have no doubt about it at all, and I would not make the statement if I had the faintest doubt as to where that man's loyalty lies.

Mr. KUNZIG. Then could you give us for the record in executive session here this afternoon these names to which you have referred?

Mr. PHILBRICK. Yes, I could. Donald Lothrop is one. The Reverend Joseph Fletcher, F-l-e-t-c-h-e-r, of the theological seminary, Episcopal Theological Seminary in Cambridge, Mass., is another. Joe Fletcher worked with us on Communist Party projects and on enormous number of tasks.

Mr. CLARDY. He is still there?

Mr. PHILBRICK. He is, sir.

Another minister—and I almost feel like saying—quote—“minister” in each of these cases because they are something entirely different from what I comprehend to be a true minister of the Gospel—

Mr. CLARDY. You would say they were a disgrace to the ministry?

Mr. PHILBRICK. I certainly would, sir. Rev. Kenneth DePew Hughes of St. Bartholomew's Church in Cambridge, Mass., is another one of those who worked with the Communist Party over the period of years, and so far as I know, is still working with the party today.

I can't recall the names of the others now.

Mr. CLARDY. You can supply that to us, if you will, in the form of a memorandum.

Mr. KUNZIG. Do you know Margaret Gilbert?

Mr. PHILBRICK. Yes; I do, sir.

Mr. KUNZIG. What were your relations, political relations, with her?

Mr. PHILBRICK. Margaret Gilbert, who is known to us in our pro-group cell as Comrade Peg—

Mr. CLARDY. Comrade who?

Mr. PHILBRICK. Comrade Peg. Comrade Peg was a member of our pro group cell in Cambridge, Mass.

We held Communist Party meetings at her home.

Mr. KUNZIG. You knew her, of course, to be a member of the Communist Party?

Mr. PHILBRICK. Yes, sir.

(Representative Gordon H. Scherer left the hearing room at this point.)

Mr. KUNZIG. To the best of your knowledge, Mr. Philbrick, and if you could possibly search your judgment to see if this were possible, would you have any way of knowing whether Margaret Gilbert would also know the names of these clergymen to which you have been referring?

Mr. PHILBRICK. Well, let me say first that the Communist Party itself did everything it could to prevent any comrades from having any knowledge outside of their immediate circle of cell members. Up until 1948 this consisted of 12 to 15 people; after 1948 the number was reduced to only 5. However, it is quite possible that Peg Gilbert could have discovered the identity of some of these people in the same way that I did through some inadvertent slip by one or more comrades who revealed information which, according to strict party rules, they should not have revealed. Peg Gilbert was very active in the party movement. She was at the headquarters of the Samuel Adams School there in Boston, and it is quite possible that she would have knowledge as to those clergy who cooperated with that particular Communist Party function.

Mr. KUNZIG. I wanted to ask you one further question. You mentioned a man connected with the theological seminary. Could you give the committee briefly, if it should be within your knowledge, any information that you have with regard to the Communist Party's attitude toward getting an inroad in divinity schools or theological seminaries, outside of the situation of just handling individual ministers?

Mr. PHILBRICK. That was most important, sir, and a prime objective of the Communist Party.

Mr. KUNZIG. For the obvious purpose, I assume, of being able to train a large and newer crop?

Mr. PHILBRICK. That is true.

Mr. KUNZIG. Of mildly liberals, further leftists, and finally, perhaps, Communists?

Mr. PHILBRICK. That is true.

Mr. KUNZIG. I have here a document marked "Philbrick Exhibit No. 2" for identification, which is your pamphlet, *The Communists Are After Your Church*, with a foreword by Dr. Daniel A. Poling. I should like, with your permission, sir, to offer this in evidence as Philbrick Exhibit No. 1.

Mr. CLARDY. It will be received.

(The pamphlet, *The Communists Are After Your Church*, was received in evidence as Philbrick Exhibit No. 1.)

PHILBRICK EXHIBIT NO. 1.

[A reprint of Mr. Philbrick's article in *Christian Herald*]

THE COMMUNISTS ARE AFTER YOUR CHURCH

By Herbert A. Philbrick, author of *I Led Three Lives*

Subversion in the sanctuary is no scare cry—it's happening. Ruthless Communists—in clerical garb and out—are "using" unsuspecting church members in a vicious assault on democracy and religion. A man who was one of them tells here the shocking story.

(Herbert A. Philbrick in 1940 became chairman of a Boston suburban youth group only to discover that a group of Communists had "captured" his organization. About to resign, he decided instead to take his problem to the FBI. They suggested that he might stay in, learn Communist intentions. For 9 years he did, eventually being taken into the inner circle—the all-powerful pro-4 group, masters of Communist strategy for the area. Eventually the FBI had sufficient evidence to spring the trap on the 11 Communist leaders who were brought to trial in New York, April 1949. Until the moment he appeared as a surprise witness against the defendants, Herbert Philbrick had been a top-drawer Communist in good standing. The story of his perilous existence as citizen-Communist-counterspy is told in his book, *I Led Three Lives*. Here he tells a story never before revealed of Communist infiltration into America's churches.)

THE COMMUNISTS ARE AFTER YOUR CHURCH

Loyal church members, indignant at the announced intention of congressional investigators to root out subversion in the sanctuary, had better be looking to their own housecleaning. Here's the clear danger, and how to see to it that you are not duped or used by Communists.

Whether your church is a city cathedral or a village meetinghouse, the Communists are out to get it. Not that they intend to put your church out of business—just yet. They don't. They want to use it. They want to use you, a good church member, as they have used many others to "front" for their own objective, which is nothing less than the ultimate and complete destruction of democracy and religious faith.

I know what the Communists are out to do.

For 9 years I was a volunteer counterspy for the FBI, observing and participating in Communist strategy from the grassroots to high levels. And through loyal Americans who occupy key positions within the anti-Red underground, I know that the Communist threat to your church is greater now than at any time in 20 years. I know how the Reds have planted secret Communists in pulpits, how they have infiltrated seminaries, how they "use" good and unsuspecting Protestants, Catholics, and Jews they have duped.

This is the story of what I know—as much of it as may be revealed—told so that you will realize that subversion in the sanctuary is the most deadly and insidious menace facing America today, and so that you will be not only aware of the danger but prepared to counteract it.

To disabuse the inevitable charge of "Redbaiting" let it be said at the outset that I was—and still am—a liberal. I believed then and I believe now that the social wrongs in the world and specifically in America ought to be righted. This is in my Baptist blood. I have a deep respect for liberals, being one of them. And I believe it is no unsurmountable task to sort out honest liberals from dishonest Communists. It can be done. It must be done if the churches are to win their life-and-death struggle with Marxism. Religion is making a poor showing in that struggle as of now.

It is no accident that your church is the No. 1 target of the Communist conspiracy in America today. The Reds have been flushed from previous cover. For one thing, since the war the Communists have suffered severe setbacks in the field of labor. They have lost control of many unions which they once dominated. Having lost power there, they have sought to gain power in another area—and the churches were selected as the target.

As an example of the shift from labor to the church, consider one of the most notorious and flagrant Communist fronts, the American Committee for Protection of Foreign Born, cited as subversive by the Attorney General of the United States as far back as June 1, 1948. Yet the November 24, 1952, issue of the Daily Worker carried the names of "20 notables" cooperating and working with the Red organization—and at least 8 of the 20 are clergymen. The success which Communists have had in following party orders to infiltrate and use church leaders is indicated by the fact that there were more preachers on the list of names than representatives of any other profession; and there was not a single name of a responsible labor leader in the group.

Secondly, Government prosecution and congressional investigations have sent thousands of comrades scurrying for respectable disguises. As a disguise, the church offers Communists decided advantages. It is the stronghold of idealism. It is the place where one expects to find a social conscience. It is above reproach—the perfect cover for Communist agents, the perfect place for the recruiting of unsuspecting puppets. Never is an angel of darkness more secure than when he poses as an angel of light.

Obvious evidence that the angels of darkness are deceiving the very elect is the increasing number of Communist-sponsored petitions going out over the imprimatur of ministers of the Gospel, and the outside number of clergy who are signatories. It's no happenstance, but the result of a desperate, carefully planned Communist strategy. The Reds didn't need the churches in past years; they had ample other channels of subversion. They do need the churches now. They will fight savagely for your church.

And they will fight no holds barred. For (1) no matter how well camouflaged it may be, the ultimate Soviet goal is the absolute, complete destruction of not only religious organizations but the whole moral structure of the Hebrew and Christian religions—and, remember this always, the unchanging Communist tactic is to destroy from within, hardly ever by frontal assault from the outside; (2) the Soviet pattern of aggression is always copied by all Communist parties of the world, with adaptations to fit the existing conditions in any particular country; and (3) the Communist rule of aggression is based squarely on the ruthless conviction that the ends justify the means.

Even though happenings in Europe and Asia in fact foretell what is in store for America, how far has communism actually gone in penetrating religious organizations here?

Communism in American churches has gone shockingly far. I was a part of the plot. As far as the comrades knew, I was a fellow plotter. And nowhere have I seen such cynical glee as I saw again and again on the faces of the comrades when some well-meaning but woefully misguided church leader was hooked on the Communist line.

The Communists have gone far in their seduction of church young people. Of all Christians, youth are the crusaders, quick to challenge the established order, quick to mount any bandwagon that seems headed toward a brighter tomorrow.

I was 25 that spring of 1940 when I walked into the office of the Massachusetts Youth Council of Boston. I was a youthful salesman confident of my ability to make a living, a youthful Christian bent on making the world safe for peace and brotherhood. When I walked out of that office, I had been won over. I was given the flattering assignment of organizing the Cambridge Youth Council.

By the end of December, I know that I had been "taken." That was when I went to the FBI and they suggested that I might stay where I was to discover the Communists' intentions. The 9-year experience led me as near to the top of the Communist organization as it is possible to go, and culminated in my being a witness in New York in the Government's case against 11 Communist leaders.

In 1942 I was ordered by the party to maintain strong ties with the Baptist Church, the denomination with which I had been affiliated since early youth. I did this, joining the First Baptist Church of Woburn, Mass., becoming a member of the administration committee, chairman of the public-relations committee, Sunday-school teacher, and head of the young married couples' club. None of the church members had any knowledge of my affiliation with the Communist Party. The party bosses instructed me to carry out Communist projects in the church. I "neglected" to do so, using as my excuse the pressure of other party responsibilities. A genuine Communist in my position could have wrecked havoc on religion.

The Communists have made advances not only in their capture of youth, but in their use of clergymen. Clever indeed are the appeals made for ministerial support on humanitarian grounds, resulting in the support the party wants. The publicly available record of support elicited by the comrades among church leaders is appalling. Virtually no Communist or Communist-front activity takes place today without ministerial and church support, sponsorship, or participation.

Sometimes this shows up in church literature. The Communist Party leans heavily upon publicly printed and distributed magazines, papers, and books which do not bear Communist Party identification as such. But one can spot the Communist influence by the terminology often used—the scoffing at capitalism, the labeling of the United States as "imperialist," the sneering directed at the profit motive. America is not wholly perfect. But neither is it wholly imperfect, as the Communists would have you believe.

Most of the persons involved—in the pulpit, in publishing, in the training of ministers—have been duped. It is not so difficult to believe that good men can be hoodwinked. But it will come as a jolt to many Christians to discover that some members of the clergy are not dupes but hardened Communists who are completely loyal to Russia.

When in the fall of 1947 I was ordered by the party to cut off all previous Communist Party associations, to destroy my Communist Party membership card and never to carry one again, to go "underground" and to join that top-level section of the party identified as the "pro-group," I was shocked to discover in the pro-group (variously known as pro-4, pro-C and other coded designations) certain leading citizens of the New England States whom I had known publicly, outside of the Communist Party, without any prior knowledge that they were members of the Communist Party itself. Among them were doctors, lawyers, teachers, professors, businessmen, authors, publishers, Government workers. And there they were, well trained, highly educated, enjoying the confidence and trust of large numbers of people about them—the most deeply underground section of the Communist Party in this Nation. I discovered that in Boston the party had 70 to 80 pro-group members.

But, to me, the most shocking fact was that there was also a special subversive cell of hardened, disciplined, trained agents of Stalin, men who were ministers of the Gospel.

Members of major denominations, they were assigned countless special tasks for the Communist conspiracy. Among the tasks were these: Helping to spread Soviet-inspired dissension and confusion; subtly injecting distrust in our Government, our leaders, and our way of life; spreading distrust and hatred of "capitalists," businessmen, employers, company heads, stockowners; popularizing a sly contempt for the police, the courts, the FBI, and other Government law-enforcement agencies; attacking all anti-Communist individuals, laws, measures and investigative groups; defending Communist Party members and fellow travelers; lending their weight to the indoctrinating of youth in seminars; participating in Soviet espionage and transmitting intelligence information for the Soviet Government; providing stature and integrity to Communists and pro-Communists by church sponsorship; and, by clever and subtle operation, victimizing many hundreds of non-Communist ministers and laymen into seeming support of the Soviet dictatorship and enmity against their own United States Government.

I am not guessing about this. I saw those ministers in action—ruthless Communist leaders, prostituting the Christian ministry to the evil ends of atheism

and oppression. They know exactly what they were doing. They were clergymen because it suited their purpose and that of their superiors to be clergymen.

I remember the occasion in 1948 when urgent instructions were sent to me from Communist Party headquarters to immediately contact Jonathan Moss, former mother-in-law of the now convicted perjurer, William Remington. She and I, both trusted members of the Communist Party underground, were to work on a special project. The job was to organize a suitable welcome for the dean of Canterbury, the Right Reverend Hewlett Johnson. Also assigned to the project was the Boston cell of ministers, whose loyalty to the Soviet Union was unquestioned by the Communist Party leaders.

When the dean finally arrived in Boston, I was "privileged" to meet him under special circumstances—in a closed, secret meeting of highly placed comrades under conditions that could mean only one thing: that Hewlett Johnson, was himself not only a secret, trusted member of the Communist International, but a person of extreme importance and value to the Soviet conspiracy.

I remember another incident when I sat in a pre-group meeting in the Grove Street apartment of Mrs. Harold A. Fletcher, Jr., or Martha Fletcher, as she was known to hundreds of Boston young people for her youth work in the Unitarian Church. It was my job that evening to lead the discussion on the use of civil disobedience as a Communist weapon; Martha—trusted youth leader of her denomination—broke in: "The time has come when we must be realistic. We Communists must be vigilant to support incidents of civil disobedience wherever we find them, and to infiltrate them where necessary."

So much for the out-and-out Communist who knows exactly what he is doing and why. What of the good person who is eagerly trying to improve social and economic conditions? How is he used?

Consider the public reception for the dean of Canterbury. There were many non-Communists present for the "welcome"—all of them duped by persons they trusted. The names of clergymen on the initial announcement gave an aura of Christian respectability to the occasion, and unsuspecting folks went along. Why should anyone distrust a minister? This was unthinkable—to anybody but a Communist, who uses any means to accomplish his ends.

My own church membership helped to establish my all-important "cover" so that I could be used safely by the party in other projects. Thus, when American Youth for Democracy was formed, Comrade Philbrick, the Massachusetts State treasurer, was billed as a "Baptist youth leader." The same was true with the Cambridge Committee for Equal Opportunities, Youth for Victory, and innumerable other Communist fronts.

Ministers, too, were used to allay any possible suspicion by the public of subversive activity. In the Massachusetts AYD not only was a "Baptist youth leader"—myself—the treasurer, but the list of adult sponsors included the names of three ministers on the letterhead: Rev. Stephen H. Fritchman, Rev. Kenneth DeP. Hughes, and Rev. F. Taylor Woll. Many hundreds of decent, honest, thoroughly loyal youths were tricked into joining AYD, a subversive organization if there ever was one, because they made the mistake of placing their trust in certain individuals with the title of "Rev."

A glance at the Daily Worker, Sunday Worker, Daily People's World, and other Communist documents is enlightening.

In a single issue of the Worker of Wednesday, January 7, there is—

—a report that at a "rally to save the Rosenbergs" on the lower East Side of New York, 2,000 messages asking clemency were distributed * * * signed by clergymen:

—an advertisement announcing a dinner honoring the publishers and stockholders of the Worker, on January 9. The caption of the advertisement is, "You're dining with Rev. Elliot White," and a photograph of the Reverend Mr. Elliot White complete with clerical collar appears in the ad;

—a triumphant editorial crowing about Communist success in exploiting the Rosenberg case. Brags the Worker, "Conservative men, Catholic priests * * * Protestant ministers * * * have spoken out for clemency."

The Communist propaganda campaign surrounding the Rosenberg case was undoubtedly the greatest single effort of its kind since the "release Earl Browder" drive. The direction of the Rosenberg campaign came from the Committee to Secure Justice in the Rosenberg Case, at 1060 Avenue of the Americas, New York 18, N. Y. On the list of "sponsors" of the organization appear the names of two ministers and a rabbi. News releases on the committee's letterheads have been mailed over the name of a Methodist minister. Church folks who hold no brief for communism, but who are understandably and rightfully committed to the

precepts of brotherhood and social decency, see the names of clergymen on petitions of interdenominational and are disarmed.

Petitions are one of the commonest--and most effective--Communist tools for entailing the prestige value of the names of unsuspecting victims. The originating "Reverend" attracts other ministers, whose endorsements attract others--and the propaganda snowballs enormously. Many of the signers, if they discover their blunder later on, are too embarrassed to admit that they "didn't read" what they signed, or that the published statement attributed to their endorsement differed in substantial detail from what they had signed.

A few courageous ministers and laymen have admitted their error and sought publicly to correct them. The pastor of a suburban Presbyterian church in Cincinnati was one. Supposing that he was signing a statement asking that the 11 convicted Communist Party leaders be granted the privilege of visiting their families only over the Christmas holiday, he was dismayed to learn that he had actually endorsed complete amnesty--and published a retraction.

It is easy to see how he was misled in the first place. That petition to the President was prefaced with these glowing words: "As the Christmas season approaches, the message of God's grace to all men of good will rings out. Hope is born afresh for each individual man and woman in whose heart some genuine concern for others is nourished. The dignity of the individual, the sanctity of the family relationship, and the worth of human striving for the whole of mankind--these are the fruits of the Christian faith. In the words that Tolstol made the title of a famous story, Where Love Is, God Is."

A great number of ministers fell into that carefully planned trap--mailed from the post-office box of a "Reverend" in New York. And on January 15 the Daily Worker announced gleefully that "One hundred and sixty-one church leaders representing 15 major Protestant denominations laid before President Truman at Christmas time their appeal for amnesty for 11 leaders of the Communist Party convicted under the Smith Act."

Another recent piece of Communist propaganda was also an "amnesty appeal" for the convicted 11. Confined among the usual platitudes and high-sounding noble phrases was this gem: "Increasing multitudes of people--including non-Communists and anti-Communists--consider that the continued imprisonment of these political dissenters means that the Government of the United States fears the American people, and is no longer strong enough to tolerate freedom of speech and political association." The propaganda line that the United States is a "police state," weak and shaky, living in fear of you and me, the American people, is unadulterated and typically brazen material straight from Moscow itself.

Yet, who signed this petition? Two hundred and eighty "prominent" Americans--and more than 25 percent of them ministers of the gospel.

I took the trouble to telephone some of these people, a few of whom I knew to be non-Communist. They were vague in their recollections. When I read the statement they had allegedly "signed," they were horrified.

How did intelligent church leaders fall into such a trap? In my file of material obtained from informants close to the comrades, I had a copy of the original letter which had gone out to these 280 persons. Their memory was vague because the "appeal" had been mailed to them August 11, 1952 (more than 4 months prior to its appearance in the Communist press).

And the persons who had fallen into the Communist trap then said to me: "I remember now--but the letter to me came from a minister--and so of course I did not suppose for a moment * * *."

It is also evident that most of them did not read the fine print on the attached statement; nor did they sign the statement itself, but merely a return post card preaddressed to a post-office box in Philadelphia. The victims were also not aware that the "minister," although ordained some years ago, has no church, parish, or standing in the Philadelphia area from which he operates, or that he has been flagrantly associated with a number of pro-Communist movements.

"Mass meetings" are always important to Communist Party agitators, and the use of religious leaders here is very helpful to the Reds. A Sunday, January 16, 1953, meeting held in New York City is typical of hundreds of similar ones conducted every month across the country. A group calling itself the National Committee To Defend Negro Leadership presented citations to "Negro men and women who have fought for democracy and peace"--noble objectives in anybody's book. Just in case the high purpose should fail to entice prospective victims, a galaxy of stars in clerical garb were prominently displayed. A minister delivered the invocation and was chairman of the citation committee.

All this, however, was only "cover" for the principle objective of the meeting: to build and promote the prestige and standing of top Communist Party bosses. The chief address was delivered by an editor of the official Communist Party publication, *Masses and Mainstream*. Paul Robeson also spoke, and was given a citation; poems by Langston Hughes were read. One citation was presented in absentia, to Henry Winston, who was convicted in the first trial of Communist Party "polithuro" members, but who fled after sentencing and is now a fugitive from justice. Apparently the clergymen saw nothing odd in sharing honors with a convicted criminal at large. The mass meeting is always good as a publicity buildup—and may snare you if you are not alert.

How can you guard against being "used" by forces diametrically opposed to what your church stands for?

First—and most important—don't go mistrusting every minister, rabbi, and priest in the land. The vast majority of clergymen are, of course, completely loyal to both God and country. So, don't go looking for Communists under every pulpit.

And we must not mistake religious individualism for indications of subversive activity. The traditional spirit of religious freedom so precious in America is of greater value and importance than ever before in the face of the rigid, totalitarian Soviet dictatorship. The tradition of dissent must always be strong, particularly among Protestant churches called into existence by their fearless protestations. The freedoms we enjoy today—what are they but the fruits of our lively and liberal Protestant heritage? The fearless championing of such freedoms must not be abandoned.

Admittedly the task of the Christian is difficult. He has a two-way fight on his hands: He must fight against reaction, and he must fight against being duped by Communist groups which are not liberal but the greatest and most vicious forces of reaction in the world. In view of what people know now of antigod communism, it would seem to be incredible that anyone can be seduced into its ranks. The greatest Communist deceit of all is that it makes good folks forget its barbarism by talking of its high objectives.

Religiously motivated social improvements in our great land must never be quenched. The long fights for social justice, racial tolerance and understanding, political and community corruption—all these and a thousand others we Protestants have waged must never slacken. But let's be sure whose leaders we're following and whose armor we're wearing. The New Testament writer John put it, "Beloved, believe not every spirit, but try the spirits whether they are of God: because many false prophets are gone out into the world."

How are you, sincere in your faith, zealous in your Americanism, liberal in the truest sense of the word, to "try the spirits." Preeminently, know what you believe about God and about your country. And know what the Communists believe and advocate. Write for and examine the reports of the Senate and House investigations of Communist activity in the United Nations, education, the Soviet "peace" campaign against America, and others. Read qualified writers on the subject of communism. There are more than 800 available books on the subject, many of them at your local library.

A tipoff to watch for is the gigantic switch of policy—for Germany when the Hitler-Stalin pact was signed, against Germany when Hitler marched into Russia; sudden shifts resulting from Russia's new campaign of terror against the Jews. The true liberal doesn't easily change his mind. He doesn't blow hot one day and cold the next. He's for his convictions, come what may. But the dishonest "liberal," the Communist or would-be Communist, changes his dance to fit the tune piped by the Kremlin.

Don't be eager to sign the readymade and prepared petition or statement of any kind, no matter how desirable its goal may seem to be. If you wish to participate in a matter of national issue, it is far better to make your own statement, in your own words, and that you say what you think rather than what a secret Communist wants you to think.

Don't participate, without careful prior investigation, in "mass action" that merely looks good because it parrots some of your favorite idealistic phrases. Don't sign a petition simply because the name of a prominent preacher already appears on the list. Insist upon knowing the origin.

Don't open your church doors willy-nilly to every civic or "social betterment" group that comes along; first check and doublecheck their authenticity. The Communist, from long experience, has found a church to be an ideal meeting place. He gets a bigger audience, a respectable platform, and the cost is little and often nothing.

Never forget that a Communist is a Communist every day all day, in everything he does. However evil and sinister his methods, the Communist has outthought, outmaneuvered, and surpassed in dedication those of us who call ourselves by the name of Christ.

If we Christians cannot in this hour match and more than match the dedication of the Communists, then we will lose the fight—and we will deserve to lose. But we will not lose—because we dare not.

[An editorial]

WHY THE PHILBRICK ARTICLE?

BY DANIEL A. POLING

Why our article in this issue, "The Communists Are After Your Church" by Herbert Philbrick?

The answer to that question is another question, the question of one of the most distinguished Christian liberals and evangelical scholars in America, Dr. Herbert Gezork, president of Andover-Newton Theological Seminary. Dr. Gezork was 1 of 280 signers of the petition to grant amnesty to the 11 Communist leaders who were convicted in Judge Harold Medina's court. The petition was presented to him months before it was released. Twenty-five percent of the two hundred eighty were clergymen—overwhelmingly Protestant clergymen. But when President Gezork saw the petition as finally presented to President Truman and released to the public, and read the signatures attached, he sent the following telegram to the President of the United States and also to Rev. Kenneth R. Forbes in Philadelphia, who had written him the original form letter:

"Please strike my name from the petition for amnesty to convicted Communist leaders, as I gave my signature unaware of the implications of the petition. I have consistently opposed Communist views and do not wish to be associated in any with this petition."

It is timely to note that Dr. Gezork served three times since World War II on Government missions to Germany. Both of his parents and several other relatives perished under the Communists of Eastern Germany.

This is Dr. Gezork's question, written to me in a personal letter: "Is there something that could be done to inform ministers and others as to what really is at stake or who actually is behind the scenes when these petitions are presented to us * * *?" The Philbrick article is Christian Herald's first answer to that question.

The forum of the Emergency Civil Liberties Committee was held in New York City on January 30 and 31. One of the forum sessions was accorded the hospitality of the First Presbyterian Church. But on January 19 the morning newspapers carried the story of the withdrawal of these three men, formerly named as "sponsors and participants": Rev. Dr. George R. Buttrick, senior minister of the Madison Avenue Presbyterian Church, New York City, and a former president of the Federal Council of Churches of Christ in America; Dr. Paul Tillich, professor of philosophical theology at Union Theological Seminary; and Dr. Hadley Cantrill, professor of psychology of Princeton University. Dr. Tillich, in a letter to Dr. Paul Lehmann, professor of applied Christianity at Princeton Theological Seminary and chairman of the Civil Liberties Committee, emphasized the fact that he had accepted sponsorship of the forum only on the strength of Dr. Lehmann's name and that of other sponsors, among them Dr. Buttrick. Dr. Buttrick declined to comment on his withdrawal—his withdrawal spoke for itself. Certainly many men who have remained on these and other "committees" are loyal Americans, too, but they will do well to reexamine their position even as these four have done. President John A. Mackay of Princeton Theological Seminary, who published his support of American recognition of Red China and the admission of Peking to the United Nations, who reaffirmed that support and has never withdrawn it, remained on this committee. I do not question his purpose to be a loyal citizen of this country. But liberals do not easily withdraw. However, the courage to withdraw may be of higher degree than the stubbornness to remain.

In the spring of 1948, I was in North Africa with the American Army, accredited as a war correspondent and engaged in special activities with the Chaplains Corps. By cable I was invited to join the Friends of Russia in Philadelphia.

Among those extending the invitation was my friend, President Robert Livingston Johnson, of Temple University. I joined. President Johnson withdrew before I did, but I withdrew. I was constantly overseas between 1941 and 1946. I lost track of my home commitments until a thoughtful friend called my attention to my membership on this all-out subversive committee--a committee we had joined in high war fever when we were admonished to "understand our great ally, Russia." Three years ago I was waited on by a courteous representative of the FBI. He inquired about my membership on this particular committee. I discovered, of course, that he already had the facts--all of them. More, he showed me a sheet on which I was listed by the Soviet Embassy in Washington as an American citizen "to be cultivated." That morning I came face to face with the fact that the FBI had come not to smear but to clear. One of New York's famous preachers, a man of vast and worthy influence both within and beyond his faith, was chairman of a committee on Russian relief. He visited Moscow. Presumably his loyalty was seriously challenged. It was the FBI that got the facts and cleared that worthy name.

The FBI has been hardly less alert in establishing the integrity of both clergymen and laymen who have been misled and deceived than it has been relentless in ferreting out perjurers, subversives, and traitors.

The question is not, "Where was I then and why?" but "Where am I here and now?" The question of Dr. Herbert Gonsork is germane. Herbert Philbrick's article, *The Communists Are After Your Church*, is one of the answers.

Mr. KUNZIG. Mr. Philbrick has stated that this expresses his opinion with regard to Communists in religion.

Mr. PHILBRICK. I would like to state one other thing for the benefit of the committee. First of all, I got into this Communist Party movement completely by accident in the very beginning because I was a Christian youth worker and very active in the Christian youth field. That is why the Communist Party came to me in the very beginning. I looked like a first-class sucker to them, I suppose, interested in world peace, a pacifist, and so they invited me to join a wonderful pacifist organization, the Cambridge Youth Council.

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. PHILBRICK. When it later developed that the Cambridge Youth Council was in fact a phoney, fraudulent operation, I went to the FBI, and then after meeting with the FBI, decided to stay on in the Communist movement to discover what I could for the benefit of the United States Government.

The Communist Party has many levels of operation and many types of people who are members of the organization. I discovered many shocking facts during my 9 years in the party, but I can say in all sincerity to this committee that the most shocking discovery I made during the entire period of time was this particular aspect of Communist infiltration, the fact that they were indeed not only infiltrating the Christian movement and using it, but were planting these hardened, disciplined Communists who would pose as ministers of the Gospel. Now we have open Communist Party members who openly avow and reveal that they are indeed party members. I don't worry very much about them.

There is then the pro group section, the underground section, the illegal section of the Communist Party, composed of the doctors and lawyers and teachers and professors. I think they are bad enough, but I think the Communist Party international conspiracy has indeed hit a new low when it has seized this means of working toward the overthrow of the United States Government and the control of the world as we know it today.

I know from information which has come into our Red underground operation at New York Herald Tribune that the efforts of the Communist Party have been stepped up tremendously toward using and victimizing the church people. I think it is of vital importance for this committee or for someone to study the facts, to investigate the situation, and to reveal the most complete and most accurate information you can possibly present to the American people in order that they may be warned, in order that they may not be victimized as they are now being victimized.

In the Red underground column in the Herald Tribune which we are now printing every other week in the Sunday edition, week after week information comes in to us showing that the Communist Party is having a vast amount of success in using church people. I am sure that this very vicious activity by the Communist Party should be curbed. The only way I know it can be curbed is by publicly revealing the facts and warning the people of the United States to be on their guard.

Mr. CLARDY. You are, of course, aware of the fact that the moment this committee or any member of it even so much as whispers anything about a minister, it is savagely attacked as being un-American itself and as heading toward the destruction of religion and all those sorts of things?

You are aware of that fact, I am sure.

Mr. PHILBRICK. Yes; I know.

Mr. CLARDY. Do you have any advice on how we can go about letting the people of this country understand the true nature of the threat and the danger that really confronts us?

Mr. PHILBRICK. Well, I will agree that this is probably the toughest problem that any organization could ever tackle. The nearest example I can recall at this moment would be that of the Institute of Pacific Relations. I think perhaps that was one of the toughest jobs which any Government committee has ever sought to tackle.

Mr. CLARDY. Yes; in that case there was an immense propaganda machine dedicated to the destruction of the committee that was seeking to expose it.

Mr. PHILBRICK. That is true.

Mr. CLARDY. I think you must recognize the fact that there are literally thousands of good people, probably millions, spread about the country who instinctively react against any suggestion that any minister of the Gospel is either a Communist or a Communist dupe, and I am gravely concerned lest the committee be accused of doing something that it has no intention of doing; that is, of trying to do something to religion or to the churches, and I certainly speak as one who would like all the help you can give us in telling us how to tackle that problem.

Mr. PHILBRICK. Well, my own opinion would be that it would have to be tackled pretty much the same way the Senate committee tackled the IPR, and that was to build such a massive and such a complete volume of factual material and records that in the end it was impossible to refute.

Mr. CLARDY. I think you are right. We can agree, can't we, on one point, and that is that the church as such is not at all Communist in any sense of the word?

Mr. PHILBRICK. That is certainly so, sir.

Mr. CLARDY. And that there is therefore no real danger from outright Communists that can be identified as such. The danger is that good people will be misled and deluded into helping the Communists achieve their ends; is that what you are trying to say?

Mr. PHILBRICK. That is right, sir. You see, everything the Communist Party does is directed toward damaging the United States Government, damaging our way of life and strengthening the Soviet Union.

Mr. KUNZIG. That you know from your own personal knowledge?

Mr. PHILBRICK. Yes, sir. A Communist Party member himself, of course, will do everything in that direction. Now, as many more people as he can possibly convince to participate in a part of that program is an aid to the Soviet conspiracy.

Now, he may approach a minister or a church individual, and that church individual may be asked to contribute just one one-hundredth of the program, but if the Communist Party gets 100 people to contribute each of them one one-hundredth, he has them contributing 100 percent, and that is the way in which the party thinks in its planning toward achieving the objectives.

Mr. CLARDY. Any more questions?

Mr. KUNZIG. I have no more, sir.

Mr. CLARDY. Do you have any questions, Mr. Scherer?

Mr. SCHERER. No.

Mr. CLARDY. How about you gentlemen?

Mr. WALTER. Do you think that the Communist Party should be outlawed?

Mr. PHILBRICK. I am beginning to come to that conclusion. I think when I appeared before the committee 2 years ago I still felt then that it would serve no real purpose because—

Mr. WALTER. That was the substance of your testimony then.

Mr. PHILBRICK. Because they would go underground. Today they are underground, so that argument doesn't hold any more. It might clarify things a bit.

I do know that so far as the Communist Party is concerned, they are prepared for it, and the minute that the Communist Party is outlawed, they will abolish the Communist Party and will form a new organization.

Mr. WALTER. Well, but we don't have to outlaw it by name. It is entirely possible to draft language that would outlaw that type of organization.

Mr. PHILBRICK. Yes. Well, it is simply that I know from sitting in at many of these meetings of the comrades themselves, they are ready immediately to take action to prevent any undue disturbance to the party organization.

Whether that can be solved legally or not, I don't know.

I do know that the party has legal experts, members of the National Lawyers' Guild, to advise them continuously on how to avoid any legal means the United States Government can take against them. However, it might still serve at this time as a beneficial move.

Mr. CLARDY. Witness, do you think that the churches of this country, unaided and alone, can be depended on to discover these things you are talking about themselves without outside help?

Mr. PHILBRICK. I would say it would be virtually impossible for them to do so, sir, because it is virtually impossible for an outsider to learn any of the facts. It is virtually impossible for them to, and in fact, it is a pretty tough job for even this committee with all of its facilities to determine who is the vicious Communist and who is the innocent victim.

Mr. CLARDY. Do you think it would help that as these phony peace moves and other Communist-manipulated devices come along for this committee or some other committee to spread the word abroad as to the true nature of the movement in order to try to head it off?

Mr. PHILBRICK. I think so very much, sir, and that is exactly why we have the "Red Underground" column in the Herald Tribune, to try to do that. The only trouble is apparently this column appearing in just one newspaper in the country just doesn't do the job. We have had it running now for 2 years, in column after column, and I have many of them here.

We have reported and revealed Communist plans before they have taken place and yet I am astonished and disheartened to discover later that the Communists have still gone straight ahead and people have still fallen into these traps in spite of the fact that we have tried to warn them.

Mr. CLARDY. I don't think you have to feel too frustrated. This committee has been operating since 1938. It still meets the same thing you are talking about. I have been on it since only the first of the year, and I confess to a sense of frustration to find people still falling for it.

To come back to what I was getting at, wouldn't you say then that anything that this or any other governmental body or agency can do to educate the public generally, and the ministers as well, to what is really going on, what the Communist plot and plan are, would be helpful in defeating this?

Mr. PHILBRICK. Tremendously so; yes, sir. In fact, I think it is the only way. Now I read an article in This Week magazine 2 weeks ago by Bishop Oxnham, saying that he felt that such committees as this should be abolished and that the FBI should serve as the vehicle for fighting communism. Well, certainly I am the first to agree that the FBI is doing a magnificent job.

Mr. CLARDY. I will agree with you.

Mr. PHILBRICK. A wonderful job. However, all information which goes into the FBI is not public knowledge, cannot be learned by the public, and I think that we must have, in addition to the work that the FBI is doing, some means whereby the people can be told the facts. In no other way will they be able to intelligently combat this thing themselves, and I am sure they wish to.

Mr. CLARDY. I think you will also agree, since you have been through it yourself, that part of the equipment of a member of one of these committees is going to have to be a pretty thick skin.

Do you have anything more?

Mr. KUNZIG. Nothing further, Mr. Chairman.

Mr. CLARDY. Mr. Philbrick, I have enjoyed listening to you very much. I have read your book with a great deal of interest, and if you think after this hearing is over of anything more that can be added to the record, I would appreciate your getting in touch with

counsel so we can figure out just how to get it into the record. Perhaps a supplemental report with the record reopened to be added to it might be helpful if you think of anything.

Off the record.

(Discussion off the record.)

Mr. CLARDY. All right; I shall leave the record open until such time as it has been cleared in the manner suggested.

Mr. KUNZIG. There is nothing further to come before the committee today, sir.

Mr. CLARDY. The witness is dismissed.

Show the hearings adjourned to 10 o'clock tomorrow morning.

(Whereupon, at 5:55 p. m., the hearing was recessed until 10 a. m., Tuesday, July 7, 1963.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE NEW YORK CITY AREA—PART 5

MONDAY, JULY 6, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON
UN-AMERICAN ACTIVITIES,
New York, N. Y.

EXECUTIVE SESSION ¹

The Subcommittee of the Committee on Un-American Activities reconvened at 7:10 p.m., in New York, N. Y., Hon. Kit Clardy presiding.

Committee members present: Representatives Kit Clardy, Gordon H. Scherer, and Francis E. Walter.

Staff member present: Robert L. Kunzig, counsel.

Mr. CLARDY. The subcommittee will be in order.

Mr. Kunzig, will you please call the witness.

Mr. KUNZIG. Mr. Archibald Roosevelt.

Mr. CLARDY. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ROOSEVELT. I do.

Mr. CLARDY. Let the record show that the chairman has appointed a subcommittee consisting of Mr. Clardy, Mr. Scherer, and Mr. Walter for the purpose of this hearing.

All right, counsel.

Mr. KUNZIG. Mr. Roosevelt, you have volunteered to come in this afternoon before a Subcommittee of the House Committee on Un-American Activities as an Episcopal layman to give testimony of serious import on the question of communism amongst individuals in the field of religion.

Mr. ROOSEVELT. Yes, sir.

Mr. KUNZIG. For the record, sir, would you state your full name?

TESTIMONY OF ARCHIBALD ROOSEVELT

Mr. ROOSEVELT. Archibald Roosevelt, A-r-c-h-i-b-a-l-d R-o-o-s-e-v-e-l-t.

Mr. KUNZIG. Your address?

Mr. ROOSEVELT. Cold Spring Harbor, Long Island.

Mr. KUNZIG. Could you, for the record, give just a brief résumé, sir, of your background?

¹ Released by the full committee.

Mr. ROOSEVELT. I am a citizen of New York State, Cold Spring Harbor, Long Island. I am an investment banker and a layman of the Episcopal Church.

Mr. WALTER. Born in the United States?

Mr. ROOSEVELT. Born in the United States.

Mr. CLARDY. And your illustrious forebear, sir, should be identified.

Mr. ROOSEVELT. Son of Theodore Roosevelt.

Mr. KUNZIG. Would you state, sir, for the record a bit of your war record, which we know has been distinguished.

Mr. ROOSEVELT. I was in the infantry in World War I, 26th Infantry, First Division; wounded in World War I; with the 162d Infantry in New Guinea in World War II and wounded in World War II.

Mr. KUNZIG. Mr. Roosevelt, as an Episcopal layman your testimony before this subcommittee would, of course, be in the nature of expert testimony in this particular field; therefore, opinion evidence is not only admissible, but is vitally important.

Would you be so kind as to give your opinion of the present danger, if you believe there is any, of Communist infiltration through various individuals in the field of religion?

Mr. ROOSEVELT. Well, sir, there is no doubt that as an institution the church is a magnificent one. Few outside Russia will say that religion is not a necessity for right living and right thinking, but the church, like governments, is made up of men. Religion must be taught by men just as are secular studies in schools and in colleges; and the men in the church and the men teaching religion have in their organization all sorts of men—wise men and foolish men, good men, and bad men.

It has always been the endeavor of tyrannies either to abolish religion or to rule and control it.

We know only too well that the Communists in this country are trying to do both, and they have in some cases succeeded. As in the colleges and in the Government, the Communists have managed to infiltrate into key positions, and there is only one way we can stop and reverse the trend in our churches—and that is complete exposure and pitiless publicity.

There is no better method of attaining this than by the media of the duly elected representatives of the people—the Congress of the United States, through its committees; and, fortunately, Congress has seen and is doing its duty.

Our Congress, under our Constitution and laws, cannot hale individuals up for execution and prison as can dictators; they can only expose the facts and then the citizens can take such action as they, the citizens, deem fit—all statements by Communists and their deluded followers to the contrary.

Only believers in tyranny or those who have committed shameful actions fear such publicity as comes from the actions of the responsible committees of the Congress.

It is those people who start the cries of "witch hunt," "book burning," "freedom of speech," "academic freedom," "freedom of the press," and so forth, whenever an investigation is started by the Congress. The great pity is that many good people have been deluded by these shrill cries and have followed the leadership of the Communists as published by the Communist newspaper, the Daily Worker. The editorials by the Daily Worker are parroted

by their dupes, and as a result, many of our most respectable people are strangely silent when it comes to attacking Communists, and they follow the lead of the Daily Worker in attacking those who would expose such termites.

Mr. CLARDY. Mr. Roosevelt, I think that is a marvelous exposition, and I commend you, but let us get back to the original theme on which we started, if you don't mind.

Suppose you tell us something about your views as to individuals in the churches, and whether or not in your judgment there should be some concrete investigations by this committee.

Mr. ROOSEVELT. Mr. Congressman, in the New York Times of today on the front page there were a great many excerpts from sermons of ministers given on Sunday, and all of them were vilifying the congressional investigations on communism. I wonder if these ministers have been recently reading the New Testament and remember the saying of Christ, "Render unto Caesar those things which are Caesar's, and render unto God those things which are God's."

As an Episcopalian, I feel that a great many of our ministers have forgotten that saying of Christ and are so busy telling Caesar what he should do that they are not rendering the proper service to God, which is helping the individual man and woman in his or her personal spiritual problems.

Mr. CLARDY. Then, Mr. Roosevelt, if I understand your position correctly, you are suggesting that you are deeply troubled about what you regard as an infiltration into the minds, at least, of some of the members of the clergy, and you think something should be done about it; is that a fair statement?

Mr. ROOSEVELT. I think, Mr. Congressman, that is a masterpiece of understatement. I am horrified at what some of our clergy have been doing and saying. As I said before, I am an Episcopalian. I love my church; I love the services; I love its tradition. The trouble is that some of the men who are responsible for the church have not understood their duty. Their duty is to save souls, not to save forms of government or advocate alien causes.

I believe the large portion of the clergy in our church are fine citizens. Unfortunately a great many of those fine citizens have been deluded by the machinations of a few un-Christian, disloyal people.

Mr. CLARDY. May I suggest to you, we have had some rather considerable testimony indicating to us quite clearly that part of the Communist plot to destroy religion and ultimately to destroy all the free world is to insert their ideas into the minds of individual clergymen so that they may have help and assistance in disseminating them. If I understand what you are saying, you think that you have detected that thing also?

Mr. ROOSEVELT. That, Mr. Congressman, is entirely true, and I am prepared, with the help of some others, to give you documentary and testamentary proof of that, that there was a deep-laid plot which has been quite successful to poison the minds of good people, unsuspecting and fine people, in furthering the Communist programs.

Mr. CLARDY. Mr. Roosevelt, would you say then that the true Christian today would resist with all the fervor he can summon up this ungodly movement that we are talking about and that one of the ways to save the church is to do just what you have been advocating?

Mr. ROOSEVELT. Mr. Congressman, I don't know that I can qualify to be a good Christian, but I try—with only moderate success—but I also realize that I have to have the help as a layman in the Episcopal Church from people like you.

I understand that you are a Methodist.

Mr. CLARKE. No, I belong to another Protestant——

Mr. SCHERER. Mr. Velde is a Methodist.

Mr. ROOSEVELT. I understand Chairman Velde is a Methodist, but I think that we have the same ideals and thoughts, and I think we understand our Government; and our Government, unlike what many people would believe, did not spring full-panoplied from the head of Zeus, as did Pallas Athena. It is built up of traditions and historical facts.

We are still a republic, which is the Latin for "respublica," meaning "public affairs" and taken from the original Roman republic; and in the days of the Roman republic, when it was at the height of its strength, there was a Roman saying: "Let the Consuls look to it that the Republic is not endangered."

In the days when our republic is so endangered, as it is now, let our Congress look to it that treason is exposed.

The people can take care of the situation once they know the facts.

Mr. KUNZIG. Thank you very much, sir, for your valuable testimony.

(Whereupon, at 7:40 p. m., the hearing adjourned until 10:30 a. m., July 7, 1953.)